



National Flood Insurance Program (NFIP) Guidance for Conducting Community Assistance Contacts and Community Assistance Visits

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Definition of Terms

Definitions used in this document 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:

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.

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 Administrator 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.

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

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.

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. Some States mandate community adoption of the IBC®. It contains flood damage-resistant provisions that are consistent with the minimum design and construction requirements of the NFIP.

International Residential Code (IRC). A model code that provides regulations for the construction of single family houses, two-family houses, and buildings consisting of three or more townhouse units. Some States mandate community adoption of the IRC. It contains flood damage-resistant provisions that are consistent with the minimum design and construction requirements of the NFIP.

Probation. Recommended by the Regional Administrator and occurring as a result of non-compliance with NFIP floodplain management criteria [44 CFR §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.

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.

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.

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

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.

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 guidance document 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 document, which was originally published on August 30, 1989.

1.2 Applicability and Scope

This guidance document 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

- a. The National Flood Insurance Act of 1968, as amended.
- b. The Flood Disaster Protection Act of 1973, as amended.
- c. The National Flood Insurance Reform Act of 1994.
- d. The Flood Insurance Reform Act of 2004.

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 of Special Hazard Areas; 70, Procedure for Map Correction; 72, Procedures and Fees for Processing Map Changes; 78, Flood Mitigation Assistance; 79, Flood Mitigation Grants; and 80, Property Acquisition And Relocation For Open Space.

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 Guidance Document

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 guidance document 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 document, it is not the intention of this guide to supersede or replace the NFIP regulations.

b. Purpose of the CAC

1. The CAC provides a means to establish or re-establish 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 and NFIP communities, and creates a greater awareness of the NFIP and its requirements.
2. A CAC can be conducted by 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 occurs in the floodplain, or in communities with a high potential for damage to existing development.

CACs and CAVs are two key methods FEMA uses to identify community floodplain management program deficiencies and violations and to provide technical assistance to resolve these issues.

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 re-establish 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 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 20,000 communities participate in the NFIP and that FEMA's resources are limited.
2. FEMA has established a "risk-based" priority approach for selecting communities to receive a CAV. This approach ensures that FEMA's limited resources are applied in the communities most in need of this comprehensive assessment. All other communities will receive a CAC, training course, technical assistance contact, or other appropriate activity.
3. Community assessment and floodplain management assistance may take a variety of forms. In addition to CACs and CAVs, these activities may include: coordination of new and revised Flood Insurance Studies (FISs), which require several meetings; assistance to communities with updated 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 technical assistance activities, the process is designed to ensure that several thousand communities are contacted 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;
 - (b) Competing priorities; and
 - (c) Recognition that where high rates of growth and development occur in the SFHA and/or where program deficiencies and violations are identified, communities may require more frequent CAVs or other forms of follow-up assistance, such as field-deployed Emergency Management Institute (EMI) classes, Building Code training, or 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 for future flood damages.

1.7 Responsibilities

a. FEMA Administrator

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.

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.

b. Federal Insurance Administrator

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 flood loss-reduction activities of the NFIP;
2. Providing guidance to FEMA Regional Offices to assist in their implementation of the NFIP; and
3. When required, suspending or reinstating community eligibility to participate in the NFIP in accordance with the provisions of 44 CFR §59.24.

c. Floodplain Management Branch

The Floodplain Management Branch, 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;
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 program management and coordination with the States, FEMA Regional Offices, and participating communities for such program activities as the Community Rating System (CRS), Section 1316 (denial of flood insurance coverage), and on the CIS.

d. FEMA Regional Administrators

The FEMA Regional Administrators are responsible for the following:

1. Providing assistance to NFIP communities in adopting, administering and enforcing 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 floodplain development is in compliance with the requirements of the NFIP;
3. Recommending imposition or removal of NFIP CRS retrogrades, as necessary;
4. Imposing or removing NFIP community probation, as necessary; and
5. Providing subsequent recommendations to the FIA to suspend or reinstate community eligibility to participate in the NFIP.

e. Responsibilities of the NFIP State Coordinator

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. Establishing minimum State floodplain management regulatory requirements consistent with the NFIP;
2. Ensuring that communities have the legal authorities necessary to adopt and enforce floodplain management regulations;
3. Providing technical and specialized assistance to local governments and the general public;

4. Ensuring that State floodplain management regulations or executive orders affecting State-owned properties meet the minimum NFIP requirements;
5. Providing technical assistance to other State agencies proposing development on State-owned property in SFHAs; and
6. 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 reviewing regulations in support of the FEMA Regional Offices.

1.8 Reporting Requirements

a. CIS

The CIS is the management system primarily 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. Purposes

These reports and documentation serve four 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
4. 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 occurs 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 requiring 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 CAP-SSSE 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 also 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 an NFIP community’s implementation of the floodplain management program.

1. Risk-Based Selection Tool

The HQ Floodplain Management Branch produces an annual risk ranking of communities in each State, based on the 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 CAVs are provided in Sections 2.2 through 2.5. All communities not identified for a CAV should receive a CAC or another form of contact.

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, must 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. In order to establish a final list of CACs and CAVs for the beginning of each fiscal year, this coordination should occur prior to or during the CAP-SSSE Statement of Work negotiation process with States.

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 5.8).

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 communities with floodplains subject to high growth pressure 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).

Risk-based Approach

When development is permitted in high-risk floodplains, property owners and communities are placed at a greater risk of devastating flood losses.

a. Risk-Based Community Selection Process

The risk-based community selection process will result in an annual ranking of all communities in each State as produced by the required Risk-Based Selection Tool (Section 2.2 c). The ranking is based on selected indicators from Figure 2-1 to determine what level of formal NFIP attention is appropriate for each community. The list of communities can be divided into two groups, a.k.a. “Tier 1 and Tier 2.” The first Tier 1 group includes those communities with the highest flood risk relative to new and existing development, in combination with suspected or potential floodplain management problems. The length of the Tier 1 list will depend upon the number of CAVs the State and FEMA Region can reasonably accomplish over a five-year cycle. The Tier 2 list includes those communities that, based on their risk ranking, fall below the Tier 1 priority listing. These communities should be scheduled 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 to perform CAVs in appropriate Tier 2 communities, depending on resources and specialized knowledge of local conditions.

b. Communities in the Five-Year Cycle

A Tier 1 community should have a CAV done in order of its risk ranking at least once every five years. 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 without regard to any cycle. 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 or less. Those States should evaluate the comparative risk ranking of each community to determine whether some of the higher risk communities should have a CAV more frequently than every five years, and if some of the lowest ranked Tier 1 communities need only a CAC. The key is to focus limited NFIP staff time on conducting risk-based CAVs for those communities where disaster and NFIP claim costs will be increased should a community fail to implement its floodplain management program correctly.

Tier 2

These communities should not be scheduled for a CAV unless levels of permit activity, compliance problem indicators, or CAC results temporarily qualify them as a Tier 1 community.

c. Risk-Based Selection Tool

The Risk-Based Selection Tool receives updates of insurance, floodplain management, mapping, growth rates, and other data from multiple databases to ensure the annual Risk-Based Selection Tool 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 use the Risk-Based Selection Tool to produce the Tier 1 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, need to substitute a few alternate high-priority communities based on any new information or localized knowledge that warrants the adjustment. For example, a surge of floodplain 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 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 met, and any alternate criteria can be incorporated into future listings.

a. Development Risk

A CAV should be conducted in communities that are experiencing development activity in SFHAs, as shown by the “Indicators of High Risk to Current/Future Development,” paragraph 2-3.b). In addition, selection must also consider high potential for damage to existing construction in the SFHA, as shown in paragraph 2-3(c), “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 “Indicators of Information for Communities with Known or Suspected Program Deficiencies or Violations,” as discussed in paragraph 2-3(d).

In determining which communities should receive the level of attention afforded by a CAV, a higher priority is given to those communities that are experiencing development in the SFHA.

Communities with Current and Future High Risk of Floodplain Development:

- Population Growth (Current and Projected)
- Number of building permits granted for new construction in SFHA
- Number of CLOMRs and LOMRs
- Annexations
- Number of post-FIRM insurance policies
- Number of NFIP claims in Zones B, C, and X
- Number of State floodway permits or other higher standards (where applicable)
- Increase in Policies in Force (PIF)
- Percent of community in the SFHA

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 Grant Projects

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 damage/improvements
- Number of variances
- Probation/suspension history
- FEMA declared 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

Figure 2-1. Criteria for Selecting an Initial List of CAVs (Summary)

As stated in paragraph 2-2(c), a Risk-Based Selection Tool is required to determine Tier 1 and Tier 2 priority communities. 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 Tool 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/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 floodplain 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 or LOMRs).

1. Population Growth (Current and Projected). Growth rates from the Census and other sources.
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 from the State Office 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 claims data compared against the GIS-based National Flood Hazard Layer from the effective FIRMs.
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.
9. Percent of community in the SFHA. This number is based on GIS analyses.

c. 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 claims 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 Hazard Mitigation Assistance (HMA) Flood Grant Projects (flood mitigation assistance [FMA], repetitive flood claims [RFC], severe repetitive loss [SRL]).

d. 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 or more 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 FEMA databases, 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 CAV candidates identified in the Risk-Based Selection Tool.

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, increased post-disaster staffing often allows a greater opportunity to contact more communities over a shorter period of time. Consequently, State, FEMA Regional Office, and FEMA disaster assistance employees may need to perform post-disaster CACs on affected communities, regardless of their risk-based status. Therefore, in deference to the community focus on post-disaster recovery, it is not recommended to conduct a CAV sooner than six months to one year after a disaster declaration.

Chapter 3

Community Assistance Contact

3.1 General

CACs are typically done to maintain formal NFIP contact with lower risk Tier 2 communities and to check on the status of floodplain management implementation after a new Floodplain Administrator has been named.

The CAC is a telephone call or brief visit to an 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 requires 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 NFIP State Coordinator 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 have 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 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 document. A list of suggested materials to bring for brief visits is also provided in section 4.5.

A major source of information is the community file that is maintained in the respective FEMA Regional Offices, or similar files maintained by the State.

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, including building codes. If new regulations are pending, it may be necessary to review both existing and pending regulations.

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. If applicable, identify any unresolved compliance issues from the most recent CAC or CAV.

d. NFIP Community Data

Review NFIP community data contained in the CIS and in the Risk-Based CAC/CAV Selection Tool. Additional insurance data can be found online through the NFIP Bureau and Statistical Agent. 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.
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 determine the FIS status.
4. Review the building code adopted, if applicable, for flood provisions contained within.

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

In conducting the call or brief visit, appropriate judgment should be used as to how much detail to give regarding each aspect of the community's program and where to focus needed attention. This visit or call is brief, meant to discuss overall community knowledge and implementation.

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. 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 or a CAV 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 re-establish contact to determine if any program-related problems exist, to provide technical assistance, and to 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.

A courtesy visit to meet a new community official can be turned into a CAC: when, for example, the NFIP representative is driving through a community for other purposes, such as a final meeting or a CAV.

If, however, the community visit occurs through a passing travel opportunity, the NFIP representative can turn that visit into a CAC. The representative should call the community official in advance, rather than dropping in unannounced. The community data and other information should be reviewed later and the contact completed by telephone if necessary.

Floodplain Tour. A tour of the SFHA is not a requirement of the CAC; however, a tour may be conducted to become familiar with the community; or may become necessary should the CAC identify any problems or issues or if one or more substantive program deficiencies/violations is suspected.

The following key points are a guide for discussions with the community.

a. 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 whether the community has adopted a building code (See Figure 4-1 Adoption of Building Codes).
3. Discuss any inadequacies, omissions, and any overlaps between above adopted regulations, building codes, 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 working with the community to accomplish this requirement.
5. Discuss other issues related to the community's floodplain management regulations.

b. Ascertaining 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 DFIRM data. Be sure officials understand what types of resources are available from the FEMA Map Service Center (MSC) web site.
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. Ask the appropriate individuals to briefly describe the extent (i.e., source and location) of damage. For example, determine if any structures were substantially damaged and, if so, whether the damage occurred 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 issues of 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 problem areas 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 newly 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, are under construction in the community, or have been 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.

c. Development Review Process

1. Determine what the development review, permit, inspection and appeals procedures are for new construction and for rehabilitations, additions, or other improvements of existing structures, 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. Examples are mining, dredging, filling, grading, paving, excavation, or drilling operations.
3. Ask local officials to describe the results of the permit review process and how 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.
4. Ask the Floodplain Administrator (FPA) what review procedure is used for ensuring that all necessary permits required by Federal or State law have been received from the responsible governmental agency. Such permits follow 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)]. Ask the community whether it “withholds” or “conditions” the floodplain permits until a property owner obtains the other permits.
5. 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) Maintaining a record of all “as-built” lowest floor elevation data. (Use of the FEMA Elevation Certificate is required only for CRS communities/Flood Insurance Policies and is recommended for non-CRS communities.)
6. 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)]; Cite/provide Technical Bulletin 1;
 - (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)]; Cite/provide Technical Bulletin 9.

7. 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)].
8. 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)].
9. 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)]; Cite/provide Technical Bulletin.
10. 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. [44 CFR §60.3(b)(2)].
 - Determine whether local officials require BFE data for subdivisions of at least 50 lots or 5 acres [44 CFR §60.3(b)(3)].
 - Also 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.

Indicate that BFEs must be derived from other sources or be developed using methodologies comparable to an FIS. Discuss available options such as Quick 2, described in *Managing Floodplain Development in Approximate Zone A Areas* (FEMA-265).

11. Ask the local officials to describe the process for inspecting development permitted under the floodplain management regulations, including building codes. The description should include how often and at what stages of the construction process there are inspections for: proper floor elevations; number, size, and location of openings; and protection of mechanical and electrical equipment; and whether there are inspections at points during construction. Also, determine whether the community has an ongoing inspection program to discover unpermitted development.
12. Ask the local officials to 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.

13. Have local officials describe the regulatory standards and operating procedures for variances. In cases where variances have been granted, obtain copies and ask whether notifications to property owners were provided concerning the effect of the variance on flood insurance rates.
14. Have local officials describe the process used to review proposals for subdivisions within the SFHA, including what flood-related issues are reviewed.
15. Inquire about the general use of land in an SFHA and the potential for future development in the floodplain.
16. Discuss any other issues related to the community's floodplain management practices or issues that affect enforcement/compliance and development conditions in the floodplain.
17. Address any unresolved floodplain management issues from a previous CAV or CAC.

d. NFIP Community Information Review and Verification

1. Review and verify with local officials any relevant data contained in CIS (e.g., name and address of CEO; address of Floodplain Administrator; number of PIFs and the number of flood insurance claims paid; etc.).
2. Ask how long the current Floodplain Administrator has been in place, and how many staff members support the floodplain management activities in the community.
3. Ask the Floodplain Administrator the type of training that he/she has had and whether it included the NFIP. Ask whether the Floodplain Administrator, as well as any other floodplain staff, is a Certified Floodplain Manager (CFM). Describe what NFIP training is available and make recommendations for training.

e. Address Program Deficiencies and Potential Violations

Discuss any program deficiencies or potential violations identified during the CAC. Highlight those areas where the community deserves a compliment for implementing the local program.

f. Summarize the Findings and Follow-up Actions

Discuss the findings, next steps, and any follow-up assistance to 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 the 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.

(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 effectively implement the regulations.

(c) None

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

2. Administrative and Enforcement Process and Procedures

(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 stages or damages 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 new structures or changes to existing structures for compliance; the community does not record "as built" elevations).
- 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 with 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 include 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 that 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 Issues Require that the CIS CAC Fields Have 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

CAC information, including the findings, should be entered into CIS within 30 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 if Follow-up Action is Required or if 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 a Technical Bulletin; 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.

The CAC report in the CIS should provide specific examples of the mapping problems identified and the appropriate FEMA Regional NFIP engineer should be notified of those issues.

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

States should coordinate with FEMA Regional Offices to recommend whether a CAV, enforcement action, or other extensive type of follow-up is required.

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

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 in Section 3.6 (b above). 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 purpose of the CAV is to assess the local floodplain management program and offer assistance to the community in understanding the NFIP requirements.

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.

The FEMA or State staff person responsible for conducting a CAV should have a sound knowledge of the NFIP regulations, have attended at least two NFIP floodplain management courses, and have assisted on three or more CAVs led by an experienced FEMA or State NFIP professional.

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, and in Regional digital storage files and community/State web sites for:

- (a) 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, improper variances, or insurance data errors.
- (b) Previous CACs and CAVs.
- (c) 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) 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 the ordinance does not contain all of the NFIP minimum requirements, ask the officials whether the requirements are contained in the community's building codes, subdivision regulations, zoning ordinance, or other regulations. These documents must also be reviewed to determine whether the community's floodplain management regulations are compliant. State agencies should coordinate with the FEMA Regional Office to verify that the latest versions of the floodplain management ordinance and other codes and

regulations are maintained in the community file. If new regulations are pending, including any building codes, it may be necessary to review both existing and pending regulations.

In reviewing Figure 4-1, “Adoption of Building Codes,” inquire whether the community has adopted one or more of the referenced codes. Find out which codes have been adopted and whether those codes were amended in a way that modified or deleted the flood-resistant provisions contained therein. Such changes could affect the consistency and compliance with the NFIP requirements. Also, if applicable, find out whether the community has adopted Appendix G of the *International Building Code* or another companion ordinance to address those NFIP requirements that are not contained in the body of the *I-Codes*TM.

Any discrepancies among the community’s ordinance, building codes, and subdivision and zoning ordinances will need to be flagged for clarification and resolution, starting with the community meeting.

Adoption of Building Codes

With the publication of the International Code Series (*I-Codes*TM) in 2000 and more recent editions, and the National Fire Protection Association (NFPA) *NFPA 5000: Building Construction and Safety Code*TM in 2003 and more recent editions, more and more communities are enforcing floodplain management requirements through their building codes. Both the *I-Codes*TM (2003 edition and more recent editions) and the *NFPA*TM 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*TM includes the following series of codes:

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

FEMA Regions and the States are likely to find that adoption of the *I-Codes*TM is becoming more common.

Note that usually when States and communities adopt the *IBC*[®], they also adopt by reference the *IRC*TM, which regulates detached one- and two-family dwellings and multiple single-family dwellings (townhomes). If a State or

Figure 4-1. Adoption of Building Codes

community does not adopt the *IRC™*, then the buildings regulated by the *IRC™* must be covered in a community's floodplain management ordinance, the *IBC®* 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 in comparison with adopted building codes, to ensure compliance with the minimum requirements of the NFIP.

Review of the State Building Code

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 to the flood-resistant provisions of the code could directly or indirectly affect the consistency of the code or compliance with the minimum requirements of the NFIP. For example, the State could change the flood-resistant provisions of the code that makes 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.

The first step is to determine whether States in the 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 any more restrictive State floodplain management requirements have been affected such as freeboard. Ongoing coordination should occur between the NFIP State Coordinator and the State building code office.

Figure 4-1. Adoption of Building Codes, continued

Adoption of Building Codes by Individual Communities

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 minimum requirements of the NFIP.

NFIP Provisions not Addressed by the Building Code

While the NFIP requires communities to regulate all development in SF-HAs, 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 contains NFIP requirements that are not addressed in the body of the building codes, or they may choose to adopt a companion floodplain management ordinance that may contain many of the same provisions as in Appendix G. Communities may also have floodplain requirements in the subdivision ordinance or other regulations. The building code, Appendix G, or a companion ordinance must address all development. The FEMA Regions and States will need to ensure that all development is regulated and that there are no floodplain management regulatory gaps. In addition, the FEMA Regions and States need to ensure sure that the FIRM and FIS are appropriately referenced; and that the adopted building codes and the companion ordinance do not have duplicative provisions, that could create confusion or result in non-compliant structures.

The guide, *Reducing Flood Losses Through the International Code Series: Meeting the Requirements of the National Flood Insurance Program, 3rd edition*, 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.

Figure 4-1. Adoption of Building Codes, continued

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, the 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 restudy efforts are underway. These maps can be obtained online from FEMA's Map Service Center (MSC).

6. Letters of Map Change (LOMC)

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 permits and copies of LOMRs 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. Note topography, specific land uses and land patterns, type and extent of encroachments, potential problems areas, and other characteristics.

Aerial and topographic maps may help identify potential flow constrictions and other floodplain conditions and assist in the identification of areas to tour in communities with extensive floodplains.

8. Community File Information

Review for citizen complaints, congressional correspondence, technical assistance requests, or other information on the community.

4.3 Compile a List of Issues and Sites

Issues or sites should be noted separately and reviewed during the floodplain tour or discussed during the course of the visit.

Compile a list of issues and sites to be examined during the CAV, based on the review of background information and any available data from NFIP and Hazard Mitigation Grant resources. 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 (which can include 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 method 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). In the letter, ask that the CEO or FPA include all other community staff involved in implementing the NFIP floodplain management program.

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 and 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 FPA to attend the floodplain tour. Explain that sites will be selected from the preparation research, and 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. Ask the local official to identify the floodplain regulations that have been adopted, including any building codes, subdivision/zoning regulations, or other floodplain ordinances, etc. If the NFIP file copy is not what the official describes, ask that a current version of the regulations be sent by e-mail as soon as possible or be made available during the CAV.
7. Establish the local official's (along with any other officials responsible for managing the program) familiarity with the NFIP. For example, find out how long these officials have worked with the NFIP, whether they have attended NFIP workshops, and whether they are CFM(s).
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 maps 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 determine 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 preparation, and will also make it easier to use local 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.

- The community's floodplain management regulations
- Flood Hazard Boundary Maps, FIRM panels, the FIS report, Digital Flood Maps, or FIRMettes
- Historical Community Biennial Report Data
- Letter(s) confirming the CAV
- NFIP Regulations
- Flood insurance information for the community (e.g., number of policies in force, dollar amount of coverage, claims data, etc.)
- Blank Elevation Certificate Forms and Floodproofing Certificate Forms
- Model Floodplain Management Ordinance
- FEMA publications (See www.FEMA.gov for a list of Floodplain Management related publications)
- 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)
- Disaster history information such as public assistance and individual assistance information, or Mitigation Assessment Team reports
- Submit-to-rate flood insurance data
- Substantial damage information, repetitive loss information from flood insurance claims data, and property addresses
- Topographic maps, digital orthophoto overlays, and digital orthosite images available via the Internet
- FEMA Grant Report to verify that acquisition projects are maintained as open space, and that elevation projects are properly elevated (from SHMO)
- FEMA 406 Hazard Mitigation completed Projects under Public Assistance
- Various FEMA and State prepared outreach materials that are applicable to the community's flooding and development conditions, such as levee outreach materials, and CRS and Mitigation Grant Programs brochures.

Figure 4-2. CAV Materials and Equipment List

- 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
 - Correspondence, including citizen complaints, congressional inquiries
 - Community website for ordinances, regulations, permits, procedures
- 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

Figure 4-3. Quick Reference Checklist for CAV Preparation

Please also note that most communities desire these items in digital format so they can incorporate the data into their own digital 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 for CAVs.

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 community size, permit activity, and extent of floodplain management issues identified, in most cases, all four elements described here 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 to document potential floodplain management problems in order 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 tour should be done with the community Floodplain Administrator or representative whenever possible for programmatic and safety purposes.

The floodplain locations visited during the tour should be guided by information obtained through the CAV preparation – for example, information gathered by combining community-provided digital floodplain permits with digital preparation files (submit-to-rate, LOMC, etc.). These preparation data can be a “layer” added to “off-the-shelf”

GPS programs to streamline the identification of the most effective tour route, and to help determine how effectively the community implements its floodplain management requirements for new and existing development. Should the number of site locations prove to be too extensive, an appropriate sample should be selected of residential and non-residential buildings (new and improved) in each of the years since the last CAV (generally no earlier than the past five years).

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; provide direct access to permit files through calls to office staff; garner a local perspective on floodplain development issues; identify future development pressures that may not surface in a formal meeting, and also address personal safety concerns. At the end of a joint floodplain tour, the FPA will be better able to obtain appropriate records for the meeting and will understand why the information is needed. 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, 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 better facilitates communication. 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 flood zone. 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 used only 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 and 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 excessive 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 be 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-FIRM.

- Structures that have electrical, heating, ventilation, plumbing and 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 are required to meet floodplain management requirements.
 4. Review FEMA grant-acquisition projects by address for sites located in the community. The Acquisition regulations (44 CFR §80.19) require that FEMA verify that the property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Include a sample of these properties with other properties selected for site visits 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.
 - Any public restroom or other structure compatible with open space use must be elevated/floodproofed to at least the BFE plus 1 foot of freeboard (or greater if required by FEMA or by 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 that are not part of the reuse plan were removed.
 5. Visit an elevation or floodproofing FEMA Grant and NFIP Increased Cost of Compliance (ICC) project to confirm that the selected buildings are still properly elevated and have not been compromised by enclosures below the BFE or by 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 it 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 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); and 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

During the floodplain tour, check the following types of sites where map accuracy may be an issue.

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, and excessive vegetation/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 those maps and the Flood Hazard Boundary Maps (FHBMs), FIRMs, or Flood Boundary/Floodway Maps.
9. 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 and 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 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 CAV Development Review Worksheet (Appendix D), National Flood Mitigation Data Collection Tool, or other digital spreadsheet. Although other similar worksheets may be used to document questionable structures, the applicable information contained in Appendix D should be obtained for each structure as a minimum.
6. If the community has designated floodways, determine whether any appear to be 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 §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 responsibility for the permit process and for subdivision reviews for floodplain development.

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, cases where flood insurance is required, and how floodplain management affects insurance rating).

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.

Before any detailed discussion begins regarding the community's floodplain management program, a brief overview of the purpose of the meeting and summary of the agenda should be provided.

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 may be 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. 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.
3. Determine if the community either has or intends to adopt the IBC® or *I-Codes*™ (see Figure 4-1). If the community has adopted the *I-Codes*™, determine whether the community 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*™ including Appendix G, the *I-Codes*™ plus a companion ordinance and appendices, or an alternate arrangement.
4. If, for reasons other than adoption of 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 minimum 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.
5. Discuss any inadequacies, omissions, and any overlaps between above adopted regulations, building codes or other problems identified during the prior review of the regulations.
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. For a CRS community, discuss the activities it 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.
10. If appropriate, ask if the community needs assistance in updating or revising the current floodplain management regulations. Discuss a schedule for accomplishing this requirement.

11. 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 reports in use by the community are the most current. If FIRMs are paper, ask where the reports are kept and if they are available to the public. For the DFIRM, ask how the maps are being made 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, there is 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 elevation requirement than the BFE), but emphasize that it 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 FEMA 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 data. 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 the officials 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., whether any structures were substantially damaged or whether flooding was significant 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, the design standards for the project being 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. Determine whether the community has 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 and 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.

For LOMRs and CLOMRs based on fill, inquire whether the local official understands that his or her signature affirms that the project has been determined as reasonably safe from flooding, and that there is documentation supporting the review.

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 local officials to describe the results of the permit review process and how 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.
5. Ask the FPA what review procedure is used for ensuring that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not limited to: Section 404 of the Clean Water Act (USACE – wetlands filling); Section 10 of the Rivers and Harbors Appropriation Act (USACE – navigable waterways), and Sections 7 and 10 of the Endangered Species Act (USFWS or NMFS) [44 CFR §60.3(a)(2)]. Ask them to describe what other Federal, State, and local requirements for permits are generally needed and cite specific agencies. Ask the community whether it “withholds” or “conditions” the floodplain permits until a property owner obtains the other permits. Note: It is highly recommended that communities “withhold” the floodplain permit until the other permits or approvals are obtained. This helps assure coordination occurs between various levels of government on projects impacting floodplains. Withholding the floodplain permit also has the benefit of protecting permit applicants by making sure they are aware of and obtain all of the other permits necessary before any floodplain development occurs; and prior to making any irreversible financial investments. Permit applicants are not well served if they are allowed to proceed with a project only to have work stopped because they have not obtained proper permits.
6. Ask local officials what procedure is used for the following:
 - (a) Obtaining the “as built” lowest floor elevation in all SFHAs where BFEs are used [44 CFR §60.3(b)(5)], and
 - (b) Obtaining the “as-built” elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V Zones [44 CFR §60.3(e)(2)].
 - (c) Maintaining a record of all “as-built” lowest floor elevation data. (Use of the FEMA Elevation Certificate is required only for CRS communities/Flood Insurance Policies and is recommended for non-CRS communities.)

7. 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)]; Cite/provide Technical Bulletin 1;
 - (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)]; Cite/provide Technical Bulletin 9.
8. 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 for ensuring that all new construction and substantial improvements are built with materials resistant to flood damage [44 CFR §60.3(a)(3)]; Cite/provide Technical Bulletin 2.
9. Ask to see the process that local officials use to ensure that buildings constructed with electrical, heating, ventilation, plumbing, and 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.
10. 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

In areas where a floodway has not been designated, ascertain whether there has been any construction, development, or fill in any of those SFHAs. If there has, make sure the community has a formal system in place to monitor the cumulative increase in BFE for each SFHA to meet the intent of 44 CFR §60.3(c)(10). For any such A Zone, find out whether, when all existing and anticipated development is included, the cumulative increase in the surface elevation of the base flood would be increased by more than 1 foot. The community should have a record of a pre-construction CLOMR for the project, in accordance with 44 CFR §65.12, that was followed with a LOMR when the project was completed [44 CFR §60.3(c)(13)].
 - (b) That floodway encroachments 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)].

Where a floodway has been designated and there also appears to be floodway encroachments that were identified on the floodplain tour that may have caused

BFE increases find out whether the community obtained a CLOMR under the provisions of 44 CFR §60.3(d)(4) and §65.12 before construction began and then followed 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 a hydrologic and hydraulic analysis showed that there would be no increase in flood level during the base flood discharge [44 CFR §60.3(d)(3)].

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. 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. [44 CFR §60.3(b)(2)].
 - Determine whether local officials require BFE data for subdivisions of at least 50 lots or 5 acres [44 CFR §60.3(b)(3)].
 - Also 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.

Indicate that BFEs must be derived from sources outside of the community or be developed using methodologies comparable to an FIS. Discuss available options such as Quick 2, described in *Managing Floodplain Development in Approximate Zone A Areas* (FEMA-265).

13. Ask about the variance process. Evaluate any granted variances as part of the permit-review segment of the CAV process.
14. Ask the local officials to 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.
15. Ask the local officials to describe the process used to review capital improvements, such as public buildings, streets, bridges, utilities, parks, etc., that are located in the SFHA. Determine if the community has any major capital improvements planned which may impact the SFHA.
16. 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)].
17. Ask the local officials to describe the process for inspecting development permitted under the floodplain management regulations, including building codes. The

description should include how often and at what stages of the construction process there are inspections for: proper floor elevations; number, size, and location of openings; and protection of mechanical and electrical equipment; and whether there are inspections at other points during construction. Also, determine if the community has an ongoing inspection program to discover unpermitted development.

18. Ask the local officials to 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 up-to-date names, addresses, phone numbers, and e-mail address of the CEO and of community contacts.
3. Ask how long the current FPA has been in place, and how many staff members support the floodplain management activities in the community.
4. Ask the FPA what type of training that he/she has had and whether it included the NFIP. Ask whether the FPA, as well as any other floodplain staff, is a CFM. Describe what NFIP training is available and make recommendations for training.

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. Find out how the community addresses flood threats to existing development and, specifically, how it addresses repetitive flood losses, if applicable. Determine 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. Provide grant contact and 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 Community Rating System, and building codes such as the *I-Codes*™.
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 the past five years, whichever is most recent) 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 CAV Floodplain Development Review Worksheet (Appendix D), National Flood Mitigation Data Collection Tool, 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?

1. Confirm that 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 are properly identified in the permit application. For a CRS community, make sure this information appears on the Elevation Certificate since the date of initial CRS participation.

2. Be sure the community maintains a record of the following information, and ask local officials to what extent the public, such as insurance agents, has sought information on these data:
 - (a) Lowest “as-built” floor elevation in all A Zones where BFEs are used.
 - (b) “As-built” elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V Zones.
3. Confirm that certifications (or other documentation as may be required by the community) by an architect or engineer are on file for the following:
 - (a) Floodproofed non-residential structures in A Zones where BFEs are used.
 - (b) Openings for fully enclosed areas below the lowest floor subject to flooding when the design differs from minimum NFIP criteria.
 - (c) Anchoring of a pile-and-column foundation and structure attached thereto in all V Zones.
 - (d) Breakaway walls in all V Zones, when design strength exceeds minimum NFIP criteria.
 - (e) Designs meeting ASCE 24-05 as required under the flood-related provisions of the *I-Codes*[™], when so adopted.
4. In communities where floodways have not been designated, check for 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. This documentation is needed to ensure that proposed development will not increase the water-surface elevation of the base flood more than 1 foot [44 CFR §60.3(c)(10)].
5. In communities where floodways have been designated, check for documentation that demonstrates through hydrologic and hydraulic analyses that the floodway encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge.
6. There should be documentation that flood damage protection measures are being required for development in A Zones without BFEs.
7. 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. The community should have records in the subdivision files that indicate this requirement has been implemented and that BFEs have been used to require elevations as per 44 CFR §60.3(b)(4).
8. 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, the permit files should indicate that the community inspects and verifies that residential structures with floodproofed basements are built according to the certified basement design.

The purposes of the summary meeting are to summarize the findings, offer technical assistance, and answer questions.

9. Variance justifications must be available and should appear adequate. Be sure each affected property owner was notified of the effect of the variance on flood insurance rates.
10. Confirm that a record exists indicating that the community has inspected floodplain development during or after construction to ensure that the project is built according to the approved plans.
11. Permit files must contain records that document the process followed to ensure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not limited to: Section 404 of the Clean Water Act (USACE – wetlands filling); Section 10 of the Rivers and Harbors Appropriation Act (USACE – navigable waterways), and Sections 7 and 10 of the Endangered Species Act (USFWS or NMFS) [44 CFR §60.3(a)(2)].
12. To ensure all information has been collected, check for the following after the permit file review:
 - (a) Necessary documentation, photographs, etc., have been collected;
 - (b) Sites have been visited, or determination has been made as to whether a site needs to be checked or rechecked in the field; and
 - (c) Appropriate local officials have been interviewed.

5.7 Summary Meeting With Local Officials

a. Summarize the Findings

Local officials should be given a verbal summary of the preliminary findings that were made 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 floodplain management regulations need amending, or 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, compliment local officials on their best management practices and activities that may qualify for the CRS. Provide 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.

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 that 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 conduct the 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 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 a 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 because only this person can present any necessary 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.

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 be led only by FEMA Regional Office staff. FEMA staff conducting Tribal CAVs should coordinate with the designated FEMA Regional Office "Tribal Liaison" and other staff who may 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, its customs and practices in managing development issues, and how tribal leaders choose to coordinate with the Federal Government. Additional time may be 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.”

**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, building codes, 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.

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. 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 contacts 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.

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 after the meeting, using the CIS.

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 permits. Therefore, an essential part of a CAV is to track down the actual cause of any suspected program deficiency or violation in order to identify appropriate corrective actions and prevent future violations.

The CAV findings in the CIS indicate whether floodplain management program deficiencies or potential violations have been identified. For each floodplain management program category (Floodplain Management Regulations, Administrative and Enforcement Process

and Procedures, Engineering - Flood Maps and Study, Other Problems), indicate whether the program deficiency is serious, minor, or non-existent. If there are any potential violations, these must also be identified in CIS. The following guidance is provided for completing this section of the CAV Report in 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. An example is when the local zoning requirements 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.

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: 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 new structures or changes to existing 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 actions to resolve past problems.

Examples of minor program deficiencies include:

- (a) Permit or variance records are not organized or not 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 have 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, adjustments to the BFE that can be remedied by a restudy, or 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 then begins allowing at-grade development in the area before the project is finished or before 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, or are not critical to the effective implementation of the regulations.

3. None

None indicates no problems were identified.

e. States Conducting CAVs on Behalf of FEMA

States conducting CAVs on behalf of FEMA must enter the CAV findings into the CIS 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. Regional Office Staff

Regional Office staff must enter their CAV findings into the CIS within 30 days from the date of the CAV along with any supporting documentation. The CAV becomes part of the community’s permanent record maintained in the CIS and the NFIP community files at the FEMA Regional Office.

g. Copies of Documentation

Copies of documentation that support 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,
- 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 letter 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 regulations in the community, each office should receive a copy. 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 working days from the date of the CAV.

The amount of information in the initial follow-up letter to the CEO will depend on the findings of the CAV and the type of technical assistance needed by the community.

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 resolve the issues or problems, or if 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 positive. It should thank the community for its help and offer 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 if 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 to note this recommendation in the CIS to provide appropriate CRS coordination and follow-up.

The follow-up letter should set specific deadlines by which the community must respond. 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 information. 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 specific 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, or 90 days for the community to respond to the letter itself and to the specific actions cited 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.

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 actions. Please refer to Appendix F and Chapter 7 of this document for more detail regarding CRS community retrograde process.

The initial follow-up letter to the community will contain the CAV findings. When suspected violations are found, the community must be given specific deadlines to submit documentation (e.g., as-built elevation data if the lowest floor appears below the BFE). The initial follow-up letter will need to address each situation identified. It is important that this initial letter bring to the CEO's attention all of the issues that he/she will have to resolve without delay. Deferring citations of suspected violations until future follow-up letters sends the CEO a mixed message.

Where program deficiencies and possible violations are identified, the following items 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 NFIP history.
- c. List the required corrective actions, including preventive measures and procedural changes by the community (e.g., begin requiring permits for fill, revise the permit application form to include 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.).

If the community's floodplain management regulations do not meet the minimum requirements of the NFIP, cite the changes that are needed to bring the regulations into compliance.

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

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 the information.

1. Evidence that buildings constructed with electrical, heating, ventilation, plumbing, and 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. Obtaining the "as built" lowest floor elevation in all SFHAs where BFEs are used [44 CFR §60.3(b)(5)];
 3. The lowest floor elevation of structures in A Zones when BFEs have been determined/developed [44 CFR §60.3(c)(2) and (3)];
 4. Evidence of certification of floodproofed non-residential structures [44 CFR §60.3(c)(4)];
 5. 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)];
 6. Evidence of a "no rise" certification for development in the floodway [44 CFR §60.3(d)(4)];
 7. The "as-built" elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V Zones [44 CFR §60.3(e)(2)];
 8. 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
 9. Certification for a breakaway wall when design strength exceeds minimum NFIP criteria [44 CFR §60.3(e)(5)].
- 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. Emphasize that effective enforcement of community regulations not only minimizes flood damages to structures, but also results in lower flood insurance rates.
- f. If a restudy is underway, reiterate the discussion or clarify issues raised during the CAV (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 for entry into the spatial geodatabase, which documents and prioritizes 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 from whom assistance should be 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.

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."

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 cited in all letters to the community 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 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, but may not always 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, failure to understand the rationales behind program requirements, or lack of an appreciation of insurance implications and other consequences of a decision. Most problems may 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 that meet or exceed NFIP requirements.
2. Encouraging the Floodplain Administrator and/or other local officials to attend NFIP training courses as appropriate.
3. Assisting local officials in identifying and correcting any program deficiencies that led to a violation.
4. Discussing with local officials possible remedial actions that are within the bounds of the community's legal authority and consistent with the NFIP requirements. The discussion may include citing the property as a violation and notifying the property owner of corrective actions to take in a specific timeframe; noting the ability to issue penalties; expressing a willingness to pursue the violations in court; documenting the violation on the deed and/or title to the property, and/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 process, inspections, certificate of occupancy, record-keeping, checklists, and coordination among the FPA, the Building Department and any other 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 specific NFIP floodplain management technical building requirements under 44 CFR §60.3, such as: V Zone coastal construction standards, protecting machinery and equipment, understanding the enclosure and openings requirements, and following the flood-related provisions of the *I-Codes*[™], if adopted.
9. Assisting the community in obtaining and using the FEMA Maps, FIS, and DFIRM.
10. Guiding the community on flood-loss reduction techniques and methods such as elevation, floodproofing, retrofitting, land acquisition, development controls, higher regulatory standards, adoption of *I-Codes*[™] and ASCE 25-05 and best management property protection measures including No Adverse Impacts.

11. Guiding the community on how to obtain or 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. 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 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 longer. It is important that local officials 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 program deficiencies and violations 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 toward 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 (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.

b. Corrective Action Plan Process

A corrective action 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 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 document. 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 program 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. However, the Regional Office or State should provide recommendations on a range of possible remedial actions. If the initial follow-up letter did not include it, consider requesting a “resolution of intent to comply” from the community.

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 local official’s 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- to 60-day limit on when the corrective action plan must be provided to FEMA, and it should include dates for resolving each of the program

deficiencies and violations. 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 and complexity 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).

The *Compliance Manual* explains the documentation that will be needed for FEMA to take an enforcement action. It further provides 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. Regional Offices must coordinate all enforcement actions with the FEMA HQ Floodplain Management Branch.

c. CRS Retrogrades

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 benefit must be removed by retrograding the community to a Class 10. In addition, if a CRS community is not implementing or enforcing certain CRS activities that it is receiving credit for, such as the higher regulatory standard of “Freeboard,” it will lose the credits for this activity. Removing the CRS discount 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.

d. 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 will 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.

If a community is not enforcing its own locally adopted higher standards (that are not backed by State requirements), the CAV should include discussion of the community’s intentions for enforcing the higher regulatory standards. If the community indicates that it does not intend to enforce one or more of its adopted higher standards, the State or FEMA Regional Office should encourage the community to revise its floodplain management regulations. However, FEMA can only take an enforcement action against a community for failing to enforce a higher NFIP standard when it was required by State law, and the State is enforcing that law. Please refer to Figure 7-1 for a full discussion of the Precedence Clause and Higher Standards.

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 State agency of actions taken to achieve community compliance.

Community has Adopted Higher Regulatory Criteria but is not Enforcing the Criteria

A number of participating NFIP communities have adopted higher regulatory criteria, such as freeboard, either because a State statute or regulation required it or communities have chosen to adopt higher regulatory criteria on their own. If during a CAC, CAV or other contact with the community, it is discovered that the community is not enforcing its higher regulatory criteria, FEMA and the State need to find out why. Detailed guidance is provided below on the following three scenarios:

1. Communities in a State with a statute or regulation requiring higher regulatory criteria;
2. Communities that have chosen to adopt higher regulatory criteria in States that do not have such a statute or regulation; and
3. Community Rating System (CRS) communities that receive credits for higher regulatory criteria.

Communities in a State with a statute or regulation requiring higher regulatory criteria:

Some States may have a statute or regulation that is more restrictive than the NFIP floodplain management criteria. Communities in those States may be required to adopt and enforce those State higher regulatory criteria. If a State requires its communities to adopt higher regulatory criteria and a community does not adopt or enforce the State-required higher regulatory criteria, the State may initiate an enforcement action under its authorities. If the State does not approve the community's regulations because those regulations do not meet State criteria, FEMA can suspend the community. However, FEMA cannot suspend a community for failure to adopt higher regulatory criteria contained in the State model ordinance unless the State has a statute or regulations in place requiring the adoption of higher regulatory criteria.

Based on the precedence clause in 44 CFR §60.1(d), FEMA will support a State initiating an enforcement action against a community in instances where the community is not enforcing its higher regulatory criteria but is required to do so based on a State statute or regulation. 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 take precedence." FEMA can take an enforcement action against a community if a State also pursues enforcement actions against a community that has failed to enforce the more restrictive criteria established under State statute or regulation.

Figure 7-1. The Precedence Clause and Higher Standards

If a State chooses not to enforce its own statute or regulation pertaining to high regulatory criteria, FEMA shall limit its own enforcement actions to those assuring compliance with NFIP criteria. FEMA should coordinate with the State in contacting the community to find out whether the community is willing to enforce the State higher regulatory criteria. Because of concerns over legal enforceability of the community's regulations [44 CFR §60.2(b)], FEMA should approach the State and find out whether the higher regulatory criteria in the community's regulations can be removed. However, it may not always be possible to remove the higher regulatory criteria if those criteria are required under State statute or regulation.

Communities that have chosen to adopt higher regulatory criteria in States that do not have such a statute or regulation:

The precedence clause quoted above [44 CFR §60.2(b)] also applies to communities that have voluntarily adopted higher regulatory criteria. FEMA can only condition acceptance of participation in the NFIP based on NFIP requirements and not on more restrictive community criteria [44 CFR §59.24(a) and §59.24(d) and §60.1(d)]. Therefore, FEMA must limit its enforcement actions to the NFIP criteria. Further, FEMA cannot take an enforcement action against a community for not enforcing its adopted higher regulatory criteria.

As part of the CAV or CAC follow-up, FEMA or the State should ask the community to either effectively enforce the higher regulatory criteria or to remove the criteria from the community's regulations. The concern is that if the community's regulations contain provisions that are not being enforced, the community may be challenged over legal enforceability of its regulations [44 CFR §60.1(b)].

Community Rating System

The CRS recognizes community efforts that go beyond the minimum NFIP floodplain management criteria through reduced flood insurance premiums. Communities can receive credit for adopting such things as freeboard, enclosure restrictions, and requiring that all structures be free of obstruction in V Zones. If a CRS community receives credit for higher regulatory criteria, but does not effectively enforce those criteria, FEMA must remove those CRS credits. The loss of CRS credits applies to both situations described above in the first two subsections.

Figure 7-1. The Precedence Clause and Higher Standards, continued

e. 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 CIS, the FEMA Regional Office should forward only 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 identified serious program deficiencies and violations resulting in a recommendation for potential enforcement action should be forwarded to the FEMA HQ Floodplain Management Branch. These CAVs should remain open until the program deficiencies and violations have been resolved or an enforcement action has been initiated.

2. Engineering or Mapping Issues

CAVs that identify deficiencies in an FIS report or FIRM, or that identify other engineering issues requiring FEMA HQ action or assistance should be forwarded to the FEMA HQ Mapping Branch, 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. Flood Insurance Rating Issues

The person conducting the CAV is not an insurance underwriter and cannot be expected to specifically determine whether a structure is or is not correctly rated. A number of violations and/or variances in a community could be indicators of possible misrated policies, especially for buildings altered after initial ratings. If misrating is suspected, certain information (such as CAV Floodplain Development Review Worksheet-Appendix D and Elevation Certificates) should be gathered for each structure and forwarded to FEMA HQ Insurance Underwriting Branch for verification and possible rerating in accordance with established procedures. In addition, issues related to the provisions in the Flood Insurance Manual – or those related to routine flood insurance policy servicing, including agent instruction or complaints – should also be forwarded to the FEMA HQ Insurance Underwriting Branch.

4. Flood Insurance Claims Issues

CAVs that identify issues related to flood insurance claims (including ICC claims) or issues related to agent or other claims complaints should be forwarded to the FEMA HQ Insurance Claims and Appeals Branch.

5. Programmatic Issues

These issues 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 NFIP floodplain management requirement or of guidance in a FEMA publication. Programmatic issues could require a regulation change or a need to update existing guidance, or could require a technical bulletin, a floodplain management bulletin, or other publication. These issues should be forwarded to the FEMA HQ Floodplain Management Branch.

6. Possible Lender Issues

CAVs that identify issues related to lending practices should be sent to the FEMA HQ Insurance Industry & Public Relations Branch. The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 require Federal financial regulatory agencies to adopt regulations prohibiting regulated lending institutions from making, increasing, extending, or renewing a loan for improved real estate or a mobile home located or to be located in an SFHA of a community participating in the NFIP, unless the property securing the loan is covered by flood insurance. The Reform Act also applies flood insurance requirements directly to the loans purchased by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac). It also applies flood insurance requirements to agencies that provide government insurance or guarantees. Such agencies include the Small Business Administration, Federal Housing Administration, and the Veteran's Administration. Although implementation of the mandatory flood insurance purchase requirements is the responsibility of the various Federal lending agencies, FEMA routinely assists lenders by providing guidance that helps lenders meet their obligations under the Acts.

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 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 often provides technical assistance when requested by Federal agencies. 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 Branch.

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 Branch.

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) before 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 program deficiencies and violations identified during the CAV process fall into three basic categories:

1. Resolving the problem by amending the floodplain management regulations or by making a full correction to a program deficiency, such as 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; filling in a basement; installing openings; removing living space in an enclosure that is below 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*.

7.5 The *Compliance Manual*

When the CAV follow-up process, including requesting a corrective action plan, has not resolved the substantive program deficiencies and/or violations that were identified, the appropriate NFIP enforcement actions of probation and/or suspension should be initiated. Guidance for undertaking enforcement actions can be found in the *Compliance Manual*, which establishes the procedures for the NFIP community compliance program. It describes enforcement 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 enforcement process. Regions should consider an array of enforcement options in obtaining community compliance, allowing for differing community situations. No two enforcement actions will be the same since there are many types of communities and many kinds of program deficiencies and violations. As a result, various aggravating and mitigating factors will need to be taken into consideration 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 7-1. Examples of Ways to Remedy Program Deficiencies

- Amend ordinances to close loopholes or correct other program deficiencies that allowed the violations to occur.
- Amend ordinances to include more effective enforcement provisions or add penalty provisions.
- 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.
- Pass a resolution of intent to fully comply with NFIP requirements.
- Change or increase staff or resources used to enforce the local ordinances (FEMA generally does not mandate this remedial measure).
- Provide missing elevation, V Zone, or floodproofing certificates.

Table 7-2. Examples of Ways to Remedy Violations

- Demonstrate that the structure is not in violation by providing the 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 from 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.

A.1 Floodplain Management Regulations

- Ensure regulations reviewed are the most current.
- Determine if floodplain management is administered through a stand-alone floodplain management ordinance, through one or more of the building codes listed in Appendix G of the *International Building Code*, or through a companion floodplain management ordinance.
- Discuss any inadequacies, omissions from, and overlaps among the above adopted regulations or building codes. Discuss any other problems identified during the prior review of the regulations.
- Offer assistance in updating the community's floodplain management regulations.
- Discuss any other issues related to the community's floodplain management regulations.

A.2 Map Availability and Accuracy

- Determine whether the community has current FEMA maps and study.
- Determine whether the community uses other maps or studies for regulating the floodplain.
- Determine whether the community needs training on DFIRMs or on supporting digital tools.
- Identify problems using FEMA maps or study, such as A Zones without BFEs.
- If recent flooding history, ask for a description of the 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.

A.3 Development Review Process

- Investigate the following development review procedures, which monitor new construction, substantial improvements, and other development (e.g., filling, grading, dredging, etc.).
- Operating procedures for the following:
 - Obtaining the "as-built" lowest floor elevation in A Zones with BFEs.
 - Obtaining the "as-built" elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V Zones.
 - Maintaining a record of all "as-built" lowest floor elevation data. (Use of the FEMA Elevation Certificate is required only for CRS communities/Flood Insurance Policies and is recommended for non-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 is designated.
 - Any elevation increase in the regulatory floodway [44 CFR §60.3(d)(3)] where a floodway is designated.
- Process for reviewing development in A Zones without BFEs.
- Understanding of the requirements for addressing subdivisions 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)].
- Local officials' descriptions of the process for inspecting development, including: how often, at which stages of the construction process, issuance of Occupancy Permits, and process for checking unpermitted development;
- Variance procedures, including notice of the effects of the variance on flood insurance rates.
- Subdivision review process in accordance with §60.3(a)(4).
- General use of land in the SFHA and the potential for future development in the floodplain.
- How permit review determinations are recorded/maintained (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, how many other staff are involved in floodplain management, how many are CFMs, and whether any NFIP training is needed or recommended.

A.5 Discuss Any Potential Violations, Deficiencies, or Compliments

- Discuss any potential violations or program deficiencies identified during 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.

<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 Agency (FEMA) conducts these visits to maintain periodic contact with communities participating in the NFIP, to assess the effectiveness of a community's implementation of its floodplain management regulations, and to provide technical assistance. Community officials involved in the review of floodplain development, including permitting, inspection, and subdivisions review must 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 regulations affecting floodplain development, including ordinance(s), adopted flood provisions of the building code and any amendments or companion regulations that cover floodplain development not addressed by the codes. Your staff members should review and familiarize themselves with the floodplain development regulations 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 past five years, whichever is more recent).
3. Records of the as-built lowest floor elevations in accordance with 44 CFR §60.3 (b)(5), of structures built in the designated SFHAs. Compliance records must be maintained (and available at the meeting) on all development in SFHAs, in order to ascertain whether or not the development complies with applicable floodplain management regulations.

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 or repairs of damages 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 on-site inspection of new and on-going development in the SFHAs.
7. Appropriate staff to explain the community's enforcement procedures.
8. Appropriate staff to explain the variance process, along with any records of all variances requested (denied or approved) since <Date> (date of last CAV or five years, whichever is most recent).
9. 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

The following checklist should be used as a guide when examining any development or map-related issues during the tour of the floodplain. In order to assemble the supporting data regarding specific development sites, mapping issues, or permit review findings, it is recommended that the optional CAV Floodplain Development Review Worksheet (Appendix D), National Flood Mitigation Data Collection Tool, or other similar tools.

C.1 Development in the Floodplain

Check development in each type of A Zone 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, or 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, such that exposure to flood hazards is decreased.
- 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 excessive 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-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.
- Structures that have electrical, heating, ventilation, plumbing or 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.
- In all SFHAs: Note vacant structures with windows boarded up, tall grass, etc. Some of these structures, if rehabilitated, may become substantially improved and are required to meet floodplain management requirements.

- Review FEMA grant-acquisition projects by address for sites located in the community. The Acquisition regulations (44 CFR §80.19) require that FEMA verify that the property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Include a sample of these properties with other properties selected for site visits 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.
 - 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 by 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 from the listing of FEMA Grant and NFIP Increased Cost of Compliance (ICC) elevation or floodproofing 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, among other observations, 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). 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.

C.2 Map Accuracy

- Check the following sites 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.
 - 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, and free of excess vegetation and sedimentation.
 - Modified channels to ensure the watercourse is free of debris, and excessive vegetation/sedimentation.
 - Construction of low-water crossings.
 - 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 FHBM, 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.

Community Name:	CAV Date (mm-dd-yyyy):	Conducted by:	Community ID:
FIRM Date (mm-dd-yyyy):	FIRM Panel Number(s)		FBFM Panel Number(s)
Building Currently Insured? <input type="checkbox"/> Yes <input type="checkbox"/> No	Claims History: Describe Date and Amount of Previous Claims (if applicable)		Policy Number:
Location (Intersection) or Address of Development:			In Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Damage/Improvement <input type="checkbox"/> Repetitive Loss <input type="checkbox"/> Submit for Rate			
Type of Development: <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Damage/Improvement <input type="checkbox"/> Repetitive Loss <input type="checkbox"/> Submit for Rate			
Provide a Brief Description of Development:			
Describe Issue:			
Permit Number:	Permit Date (mm-dd-yyyy):	Base Flood Elevation:	Freeboard: FIRM Zone:
Date of Construction or Other Development (mm-dd-yyyy):			
Legal Street Address or Physical Location:			
Latitude (if available):	Longitude (if available):	Tax Parcel/Parcel ID:	
Elevation Data: <input type="checkbox"/> Yes <input type="checkbox"/> No	Lowest Floor Elevation:	Elevation Certification Date:	
If floodproofed non-residential building, is certification available? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If V Zone, is certification available? <input type="checkbox"/> Yes <input type="checkbox"/> No		Proper openings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If in floodway, is No Rise Certification available? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Enclosed area below BFE? <input type="checkbox"/> Yes <input type="checkbox"/> No		Enclosed area used for access/storage/parking? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is mechanical/electrical/utilities elevated or water resistant? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Variance granted? <input type="checkbox"/> Yes <input type="checkbox"/> No		Was adequate justification provided? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Variance Justification Comments:			
<input type="checkbox"/> Violation <input type="checkbox"/> Compliant <input type="checkbox"/> Other (describe):			

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, request a copy.
- Determine whether floodplain management is administered through a stand-alone ordinance, the community building code and companion regulations, and any other regulations such as the subdivision or zoning ordinance.
- Identify what building code the community uses and the flood provisions therein. Ask whether the community has amended the flood provisions of the code; obtain a copy.
- If using the IBC®, determine whether the community adopted Appendix G or used a companion ordinance (separate ordinance for floodplain provisions not covered in building code).
- Discuss inadequacies of, omissions from, and overlaps among above adopted regulations and building codes; discuss other problems identified during prior review.
- Determine whether the community has adopted the latest FEMA map and study.
- Find out whether officials 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 those requirements.
- Identify boundary changes, annexations, or de-annexations.
- Ascertain whether the community has identified any unique hazards (e.g., subsidence, ice jams, erosion, etc.).
- Offer assistance in updating the community's regulations.

E.3 Map Availability and Accuracy

- Determine availability of current FEMA FIRMs and FIS.
- Determine if other maps or studies are used for regulating development.
- Ascertain if community has any problems using maps, study or DFIRM data. Offer DFIRM training or training on supporting digital tools.
- Identify problems using FEMA FIRMs or FIS, such as A Zones without BFEs, floodways, etc.
- If recent flooding history, ask for description of cause, extent, and damage.
- Identify problems with the accuracy of FEMA maps or study.
- Determine flood-control projects and associated maintenance responsibilities.
- Ascertain whether the community has identified any unique hazards (e.g., subsidence, ice jams, erosion, etc.), and whether it has encountered any problems in regulating these areas.
- Determine community's familiarity with LOMCs or physical map revision processes.
- Identify if any CLOMRs were issued without follow-up LOMRs that were based on as-builts. Be sure officials understand the development limitations of a CLOMR.

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, procedures, 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 – and community's role in ICC process.
- Review procedure for development other than for structures, such as mining, dredging, filling, grading, paving, excavation, or drilling operations
- Process to ensure that all other necessary permits required by Federal/State laws have been received (e.g., ESA Sections 7 and 10, 404 Wetlands, etc. per [44 CFR §60.3 (a)(2)]).
- Operating procedures for the following:
 - Obtaining the “as-built” lowest floor elevation in all A Zones with BFEs.
 - Obtaining the “as-built” elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V Zones.
 - Maintaining a record of all “as-built” lowest floor elevation data. (Use of the FEMA Elevation Certificate is required only for CRS communities/Flood Insurance Policies and is recommended for non-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 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)].
 - If increase, was CLOMR obtained [44 CFR §60.3(d)(4) and 65.12].
- Process for reviewing development in A Zones without BFEs.
- 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)].
- Variance procedures, including notice concerning the effects of the variance on flood insurance rates.
- Subdivision review process, including:
 - Number of subdivisions approved since last CAV, 5 years 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.
- How are permit review determinations recorded/maintained (clarify that the records should be kept permanently).
- Process used to review capital improvements in the SFHA.
- Inspection procedures for development in the SFHA – whether issued permit or not, how often and at what stages, and when certificates of occupancy are issued.
- 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.

E.5 NFIP Community Information Review and Verification

- Provide the number of flood insurance PIF and claims (including Repetitive Loss) 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; how many staff support the program and how many are CFMs. Determine whether NFIP training needed or should be recommended.

E.6 Floodplain Development Issues Identified on Floodplain Tour

- Discuss issues identified in CAV preparation and/or on floodplain tour. Use digital photos, files, or annotated maps to help explain.

E.7 Other Floodplain Management Issues

- Determine the community's potential for floodplain development and the extent they encourage or discourage development.
- Determine how the community deals with threats to existing development, e.g. repetitive losses, and whether any acquisition, elevation, or relocation programs exist, or if they are interested in future projects.
- Confirm that officials understand the ICC coverage and the community's role in the process.
- Determine any higher floodplain management standards and include a discussion of the CRS or building codes, such as the I-Codes™.
- Discuss whether the community has a post-disaster plan in place and whether it has any questions on post-flood mitigation activities.
- Questions and Answers. Wrap up discussion to this point and answer any questions before going on to the Permit and Variance file review step. Remind the local officials that a Summary meeting will take place after file review.

E.8 Summarize the CAV Findings, Processes, and Follow-up Actions

- Summarize the preliminary findings and discuss any potential deficiencies or violations.
- Discuss the follow-up process and next steps, and offer technical assistance.
- Discuss CRS options and compliment local officials on positive aspects of their floodplain management program.
- Ask whether there are any questions.

F.1 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.

Table F-1. Community Rating System Premium Discounts

Class	SFHA*	Non-SFHA
1	45%	10%
2	40%	10%
3	35%	10%
4	30%	10%
5	25%	10%
6	20%	10%
7	15%	5%
8	10%	5%
9	5%	5%
10	0%	0

* Special Flood Hazard Area. Non-SFHA premium reductions apply to B, C, D, X, A99, and AR Zones.

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

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 *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
- 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.

In addition, if a CRS community is not implementing or enforcing an activity, e.g. a higher regulatory standard such as freeboard, it will lose the credits for this activity, and also experience any cumulative effects this change has on the community classification.

F.2 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 reapplying 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.

A community CRS application should be viewed as an opportunity to close out CACs or CAVs. If local officials have not responded to the FEMA Regional Office's latest request for ordinance revisions or other actions identified in the CAC/CAV or other activity, the FEMA Regional Office should inform the community it is not considered in full compliance until it submits the requested information.

CRS-participating communities should be scheduled for a CAV or CAC based on selection criteria as described in Chapter 2 of this document. 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 timeframes 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 these shortcomings 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 require 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;
7. On May 1/Oct 1: Insurance Agents' Manual and WYO companies reflect new/revised CRS Classes.

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 *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.

F.3 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. There are over 1,100 CRS-participating communities. In addition to its original verification visit for joining the CRS, each community will receive another field verification on a 3- to 5-year cycle (sooner if it submits a two-class improvement), depending on its 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 to ensure there is sufficient information to rate a policy. When applicable, CRS credit is provided based on the verified sample, regardless of whether some floor elevations are above or below the BFE. However, a process is in place to forward to FEMA Regional Office staff any specific samples containing floor elevations below the BFE or other suspected violations. The information should be noted in the CIS and placed in a suspense file for a possible follow-up CAC or CAV.

F.4 Sample CRS Paragraphs

The following paragraphs contain sample wording for five possible situations. They are listed in progressive order of severity. As samples, they can be adjusted to better fit each unique situation. It is helpful to cite a community's CRS discount and how that community will be affected by losing the discount. A helpful tool is 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. 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 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 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 CAV meeting, and by adding appropriate language in the follow-up letter.



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