



FEMA/National Flood Insurance Program

MEDIA TOOLKIT

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Ian Recovery Timeline

- 9/28/2022: Hurricane Ian Landfall in Cape Coral
- 9/28/2022: RR0268 - City made a resource request for 20 Fire Inspectors for damage assessment of commercial and residential buildings. Approved on 9/28/2022. Demobilized on 10/14/2022.
- October 2022 - March 2024: Emails sent to thousands of residents regarding floodplain management and SI/SD concerns.
- 10/02/2022: RR0934 - City made a resource request for 10 Inspectors for damage assessment of commercial and residential buildings - Approved 10/2/2022. Demobilized approximately 10/11/22.
- 10/4/2022
 - RR1165: 10 building inspectors - Approved 10/2/2022. Demobilized approximately 10/11/22
 - RR1225: Temporary emergency Building Official - Approved 10/4/22 advised of state vetted vendors. Marked as complete 10/25/2022. Resources not received.
 - RR1226: 10 additional building inspectors - Approved 10/4/2022. Provided a list of building professionals. Marked as complete 11/09/2022. Resources not received.
- 10/7/2022: RR1405 - 20 additional fire inspectors for commercial inspections - Approved 10/7/22. Units on scene 10/14/2022.
- 10/11/22: City begins accepting emergency permits (City Hall and remote site)
- 10/18/2022: FEMA staff meets with City staff in face-to-face conversation regarding need for Substantial Damage determinations.
- 10/21/22: We sent out a press release urging residents not to complete work and explaining the 50% Rule. We created a designated [webpage](#) and continue to maintain and update it as appropriate
- 10/19/22 - 10/23/22: UCF started setting High Water Marks in the city.
- 10/21/22 - 10/28-22: The City survey division was given maps of the water marks and started surveying.

Ian Recovery Timeline

- 10/21/22: The City of Cape Coral advises residents who own a home built before 1981 not to make repairs until December 1, 2022. The 50% Rule requires structures with damage exceeding 50% to be rebuilt consistent with the current flood elevation. MORE INFO: <https://bit.ly/3MSe3oz> (Facebook, Twitter, Instagram)
- 10/27/22:
 - Disseminated a press release regarding a Town Hall with FEMA reps
 - FEMA Town Hall Post (Facebook, Twitter, Instagram)
- 10/31/22:
 - FEMA Town Hall Post (Facebook, Twitter, Instagram)
 - Delivered the data to GIS (Melissa P.) and UCF (Dr. Herb Longnecker)
- 11/3/22:
 - Held a Town Hall in Council Chambers open to the public and aired live on CCTV. The recording was posed on Facebook.
 - Began distributing 100 yard signs and 7,000 door hangers,
 - FEMA Town Hall Post (Facebook, Twitter, Instagram)
 - Recording of the FEMA Town Hall (Facebook)
- 11/14/22: Online permitting portal re-opens for all permit types
- 11/29/22: Council Meeting Post with 50% Rule on the agenda (Facebook, Twitter, Instagram)
- December 2022 E-Newsletter Article = “Council Approves Article Revisions to Lessen Impact of FEMA 50% Rule”
- 01/12/2023: RR2161 - Requested 8-12 Inspectors and CFMs to assist with SI/SD in specific areas of the City - Request sent to FDEM 1/12/2023. Comments indicated that Office of Floodplain Management was taking the lead on fulfilling the mission request with FEMA Branch 4 in Branch 6. Resources not received.
- 2/14/2023: FEMA questions Lee County Property Appraiser value determinations.
- 2/18/2023: FEMA provides City with list of 583 damaged properties; City sends out first mass-mailing to property owners.

Ian Recovery Timeline

- March 2023: Second mass mailing - Letters mailed to 583 property owners located along Caloosahatchee River. Property owners were selected from FEMA teams that surveyed damaged areas in response to City request for damage data.
- 3/7/2023: FEMA staff meets City senior staff to discuss post-disaster Substantial Damage compliance.
- 3/15/2023: Third mass mailing - Letters mailed to 583 property owners located along Caloosahatchee River. Property owners were selected from FEMA teams that surveyed damaged areas in response to City request for damage data.
- April 2023: Letters were mailed to condo unit owners near Atlantic Court and Victoria Drive (95 properties, 419 condo unit owners).
- 4/15/2023: Letters were mailed to condo unit owners near Atlantic Court and Victoria Drive (95 properties, 419 condo unit owners).
- 6/8/2023: FEMA requests information from City regarding permit data. This includes list of identified SD or potential SD structures, list of demolition permits, copies of permits for repairs in SFHA, EC's for completed work in SFHA and an explanation of substantial damage operations.
- 7/6/2023:
 - In response to FEMA's June 8th request, City provides the requested information, principally, the list of 25,000+ permits in the SFHA.
 - FEMA acknowledges receipt of City's information.
- 9/12/2023: Fourth mass mailing - FDEM advertisement for FDEM seeking vendors to provide building department services.
- 10/2/2023: Letters were mailed to 1,453 property owners located south of El Dorado Pkwy.
- 10/26/2023: FEMA notifies City that floodplain tours will take place the weeks of October 30th and November 4th.

Ian Recovery Timeline

- 12/6/2023: FEMA sends request for information through “FPM letter 12-6-2023.” The letter and attached information included a list of 238 properties which were alleged as having unpermitted work by FEMA teams during the floodplain tours that were conducted in October and November 2023. The City was given a January 12, 2024 deadline to provide the requested information.
- January 2024: Targeted mailed letters to 54 property owners who were identified by FEMA as having alleged unpermitted work.
- 1/10/2024 and 1/11/2024: The City of Cape Coral responds to the FEMA request:
 - Of the 238 alleged properties with unpermitted work, 29 are found to have been new construction (with permits), 2 were in the process of demolition (permit numbers provided to FEMA), and 5 were not subject to SI/SD due to being compliant with floodplain regulations. Another 139 are found to not be SI/SD, with permit numbers and damage value calculations.
 - Four (4) properties were found to potentially be SI/SD, damage calculations were provided to FEMA. Staff placed permit holds for the 4 properties and SD letters were developed and sent to the property owners, 2 of whom later submitted independent appraisals to bring the structural damage under 50%, thus removing them from SD determination.
 - Fifty-nine (59) properties/structures did not have a permit history since Hurricane Ian landfall. Staff requested evidence from FEMA to assist City staff in their investigations but no evidence or field notes from FEMA’s floodplain tours was provided. Building inspector staff was sent to these properties to find evidence of activity. Of the 59, 5 were found to have building activity; for these 5 properties stop/work orders were sent to the properties and letters were sent to the owners requiring them to apply for permits. The City sent informational letters to the remaining 54 properties reminding them of their duty to apply for building permits, call the City with questions, etc.
 - These 54 properties are deemed by FEMA to have unpermitted work and this was used to justify their actions on 3/28/2024.
 - Cape Coral’s submittal of information in response to FEMA’s December 2023 request for information is summarized as follows:
 - A modified copy of FEMA’s password-protected spreadsheet sent to the City, filled out with permit numbers, damage percentages, acknowledgements of enforcement actions for certain properties. Additional tabs were created within this spreadsheet to identify structures that are not subject to SI/SD regulations and separate Category 4 structures.

Ian Recovery Timeline

- Copies of four (4) substantial damage letters sent to property owners that were discovered through review of the 238 structures identified by FEMA. Holds were placed on these properties.
 - Copies of five (5) notices of unpermitted activity letters sent to property owners that were discovered through review of the 238 structures identified by FEMA and verified by inspections from City staff. Said property owners will respond to us with the necessary permit documentation, thereby putting these structures in the permit record, or additional enforcement activity will occur on these properties.
 - A copy of a form letter sent to 54 property owners whose properties were identified by FEMA but had no identified permit activity nor evidence of activity as determined by inspections from City staff.
 - A copy of the letter sent by FEMA, dated December 6, 2023, for reference.
 - A summary of the findings created by city staff as a response to FEMA's letter.
 - Five (5) elevation certificates for the 5 properties that were not subject to SI/SD as they were compliant with floodplain regulations but were included in the list of 238 properties.
-
- 1/12/2024: The information provided to FEMA was acknowledged by FEMA.
 - 1/30/2024: FEMA sends follow-up request for Substantial Damage assessment calculations along with the supporting documentation for the 139 structures found not to be Substantially Damaged. Deadline for information is 2/2/2024.
 - 1/31/2024: Staff responds and provides information to FEMA.
 - 2/14/2024: Conversation between City staff and FEMA staff results in provided FEMA with additional information on the following:
 - The City's "FEMA packet" which is required for any permit applicant performing structural work in the SFHA;
 - A sample filled out final page of the FEMA packet for one of the City's Substantially Damage-determined buildings, used to illustrate how the City reviews the FEMA packet;
 - A sample document sheet supporting a Substantial Damage determination (removing appliance costs, non-structural values) in accordance with FEMA's SI/SD desk reference.
 - 2/26/2024: FEMA requested information on documentation and calculation information provided by permit applicants. This information was provided by Staff via email.

Ian Recovery Timeline

- 3/27/2024: FEMA requests City staff to attend phone call to discuss the City's participation in the Community Rating System (CRS), scheduled for the next day.
- 3/28/2024:
 - Senior FEMA staff contacts City staff via conference call, inform City that FEMA is retrograding the CRS class to a Class 10, removing all benefits from the CRS. Despite Staff's consistent response to information requests from FEMA, FEMA alleged that there was inadequate Substantial Damage review, evidence of unpermitted work, non-responsiveness to information requests. During the phone call, Staff strongly requested evidence of the unpermitted work, evidence of non-responsiveness, etc.
 - FEMA stated that they are going to provide guidance to the City and their findings in April.

High Water Marks

Action Items as it pertains to the FEMA NFIP Reboot Premium Reduction Taskforce...

Once I have access to the group of 58 of the 274 properties and the notification goes out to the property owners....

If we can through additional research narrow the group down great if not, I proposed to surveys completes the following steps for the properties in question...

- Perform an elevation certificate for the structure in question. This instrument will compare the existing elevations of the natural ground, finished floor elevation, garage elevation to the “proposed” base food elevation based on the newly adopted map.
- Compare the elevation certificate data to the measured elevations of high-water marks set the taskforce lead by Dr. Herb Longenecker and the UCF Group that was funded on Oct. 14, 2022, to delineate the Cape Coral highwater marks that FEMA skipped over immediately after the storm.
- If the property owners are non-compliant, I offer we perform this same elevation certificate if the neighboring homes are constructed close to the same time and the elevations are close..... This could result in empirical data to assist the CAO in securing a permit-warrant if this is the direction the executive team is planning.

Ordinance 96-22 Communications

COMMUNICATION OUTREACH

Social Media Posts:

- The City of Cape Coral advises residents who own a home built before 1981 not to make repairs until December 1, 2022. The 50% Rule requires structures with damage exceeding 50% to be rebuilt consistent with the current flood elevation. MORE INFO: <https://bit.ly/3MSe3oz> (Facebook, Twitter, Instagram)
- FEMA Town Hall Post (Facebook, Twitter, Instagram)
- FEMA Town Hall Post (Facebook, Twitter, Instagram)
- FEMA Town Hall Post (Facebook, Twitter, Instagram)
- Recording of the FEMA Town Hall (Facebook)
- Council Meeting Post with 50% Rule on the agenda (Facebook, Twitter, Instagram)

Signage and Doorhangers:

- Communications staff created graphics/verbiage for yard signs and doorhangers
- ordered 7,000 doorhangers
- ordered 100 Yard signs.

Press Releases:

- Sent out a press release urging residents not to complete work and explaining the 50% Rule
- Disseminated a press release regarding a Town Hall with FEMA reps

Hosted Town Hall with FEMA:

- We held a Town Hall in Council Chambers open to the public and aired live on CCTV

Website:

- We created a designated webpage and continue to maintain and update it as appropriate

E-Newsletters:

- November 2022 = “Check FEMA 50% Rule Before Making Major Repairs”
- December 2022 = “Council Approves Article Revisions to Lessen Impact of FEMA 50% Rule”

Letters/Correspondence to Cape Coral Residents

Letters/Correspondence to Residents

1. Email correspondence to residents regarding floodplain management and SI/SD concerns from October 2022-March 2024 number in the thousands.
2. In addition to everyday email correspondence, the City has notified residents of their responsibilities through 4 mass-mailings pertaining to obtaining permits. These mass-mailings occurred at the following times:
 - March 2023: Letters mailed to 583 property owners located along Caloosahatchee River. Property owners were selected from FEMA teams that surveyed damaged areas in response to City request for damage data.
 - April 2023: Letters were mailed to condo unit owners near Atlantic Court and Victoria Drive (95 properties, 419 condo unit owners).
 - October 2023: Letters were mailed to 1,453 property owners located south of El Dorado PKWY.
 - January 2024: Letters were mailed to 54 property owners who were identified by FEMA as having alleged unpermitted work.

3/29/24 Press Release



DATE: March 29, 2024

City Leadership Urges FEMA to Reconsider Flood Insurance Decision

The City of Cape Coral is deeply concerned by the sudden decision of the Federal Emergency Management Agency (FEMA) to alter flood insurance ratings without prior notice. This decision, delivered verbally late Thursday, has dealt a significant blow to our community as it continues to recover from the devastation caused by Hurricane Ian.

Cape Coral has yet to receive any written notification or documentation outlining specific details that would lead to such a sudden change in rating.

"I am deeply troubled by the Federal government's unilateral decision regarding altering Cape Coral's flood insurance rating. The Federal government must provide the support our community desperately needs to ensure they retain the discounts they currently receive on their national flood insurance premiums. The timing of this decision after our community suffered a devastating Category 5 hurricane is just wrong," said Cape Coral Mayor John Gunter. "Make no mistake – FEMA is the villain in this nightmare."

Cape Coral City Council and Administrative staff, with the support of Congressman Donalds, Lee County, and its affected municipalities, are committed to addressing this issue.

"I am partnering with County Administration and our City Council in calling for FEMA to immediately suspend its decision until meaningful discussions can occur, as we have worked hard over many years to attain the rating currently held," said Cape Coral City Manager Michael Ilczyszyn. "It's crucial that the County and its municipalities have opportunities to address FEMA's concerns. FEMA's decision was made without providing documented evidence of the alleged noncompliance. Despite the often upsetting and challenging work performed by City staff to enforce the substantial improvement/substantial damage (50% Rule) in the aftermath of Hurricane Ian, this notification doubles down the financial impacts our residents and businesses already suffered."

3/29/24 Press Release

For decades, Cape Coral has worked diligently to secure a federal rating, ensuring residents a 25% discount on flood insurance premiums, yielding significant taxpayer savings.

FAST FACTS:

- Cape Coral joined the National Flood Insurance Program (NFIP) in 1981.
- There are approximately 27,673 NFIP policyholders in Cape Coral with more than \$8 billion in coverage.
- Cape Coral joined the CRS program in 1995 and achieved a Class 5 rating in 2010.
- A Class 5 rating allows for a 25% flood insurance discount.
- The value of this discount in Cape Coral is \$7 to \$8 million annually.



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4/3/24 Press Release



FOR IMMEDIATE RELEASE

DATE: April 2, 2024

UPDATE: Cape Coral Mayor Holds Press Conference, Demands Full Transparency from FEMA Regarding CRS Rating Determination

WHAT: City of Cape Coral Mayor John Gunter will speak on the FEMA CRS rating decision, followed by a brief Q & A.

WHO: Media outlets are encouraged to attend.

WHERE: Mayor's Office
1015 Cultural Park Blvd.
Cape Coral, FL, 33990

WHEN: 12 p.m., Wednesday, April 3. Media is encouraged to arrive 15 minutes early to set up.

The City of Cape Coral is urging FEMA (Federal Emergency Management Agency) to provide full transparency regarding its determination to retrograde the Community Rating System (CRS) rating for the city from 5 to 10, effective October 1, 2024.

In response to recent media reports claiming that FEMA had sent "warning letters" to the city regarding deficiencies in its flood mitigation efforts, the City of Cape Coral clarifies that it has diligently responded to all informational requests from FEMA since Hurricane Ian. Despite repeated attempts to obtain written documentation supporting FEMA's allegations, the city has not received any substantiating evidence.

City staff have consistently fulfilled FEMA's requests for information within specified deadlines, providing all requested documentation. However, the city has not received any communication from FEMA indicating that the provided documentation would result in a retrograding of the CRS rating.

To address this matter and seek clarity, the Mayor will hold a press conference on

4/3/24 Press Release

Wednesday, April 3, at noon. The press conference **will be held in the Mayor's Office** and will provide an opportunity to further discuss the issue with the public and media representatives.

Additionally, during the regularly scheduled Cape Coral City Council Meeting at 4:30 p.m. on Wednesday, April 3, the City Manager will request to add an agenda item concerning the FEMA/National Flood Insurance Program (NFIP) update. If approved the agenda item will allow for an in-depth examination of the situation.

The City Council meeting will be streamed live on CCTV. Regularly scheduled City Council meetings are held in Council Chambers located at 1015 Cultural Park Boulevard, Cape Coral, FL, 33990.

The City of Cape Coral remains committed to advocating for the best interests of its residents and ensuring transparency and accountability in all dealings with FEMA and related agencies.



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Federal Code Regulations

Citation 44 CFR 60.3(f)

When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

- (i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and
- (ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

44 CFR 60.3(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

- (1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;
- (2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);
- (3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm
 - (i) have the lowest floor (including basement) elevated to or above the base flood level or,
 - (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (4) Provide that where a non-residential structure is intended to be made watertight below the base flood level,

Federal Code Regulations

- (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and
 - (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);
- (5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
- (i) Outside of a manufactured home park or subdivision,
 - (ii) In a new manufactured home park or subdivision,
 - (iii) In an expansion to an existing manufactured home park or subdivision, or
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.
- (7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); FBC requires a higher regulatory standard of requiring that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level plus 1 ft.

Federal Code Regulations

- (8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures
- (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);
- (9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;
- (10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either
- (i) The lowest floor of the manufactured home is at or above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- (13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

Federal Code Regulations

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

- (i) Be on the site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for “manufactured homes” in paragraph (c)(6) of this section.

Substantial Improvement/Substantial Damage Desk Reference FEMA P-758

The NFIP regulations contained in 44 CFR § 59.22 and § 60.3 outline the responsibilities that communities must accept in order to become and remain eligible to participate in the NFIP.

The key responsibilities include:

- Designate an agency that is charged with the responsibility to administer floodplain management requirements
- Determine whether proposed development activities are located in SFHAs
- Review development proposals to ensure compliance with the requirements of applicable floodplain management regulations and building codes
- Require that new subdivisions and development proposals with more than 50 lots or larger than five acres include BFEs
- Issue or deny permits for floodplain development
- Inspect all development in SFHAs to ensure compliance
- Maintain records of issued permits, elevation data, inspections, and enforcement actions
- Assist in the preparation and revision of floodplain maps
- Help residents obtain information on flood hazards, floodplain map data, and compliant construction measures

For existing buildings that are located in SFHAs, community responsibilities include the following, in addition to the requirements above:

- Determine whether proposed improvements are “substantial improvements;” substantial improvement of buildings triggers requirements for permits and compliance.
- Determine whether work necessary to restore a damaged building to its pre-damage condition constitutes repair of “substantial damage;” repair of substantially damaged buildings triggers requirements for permits and compliance.

FBC requires a higher regulatory standard of requiring that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level plus 1 ft.

SI/SD Determinations

MAKING SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS

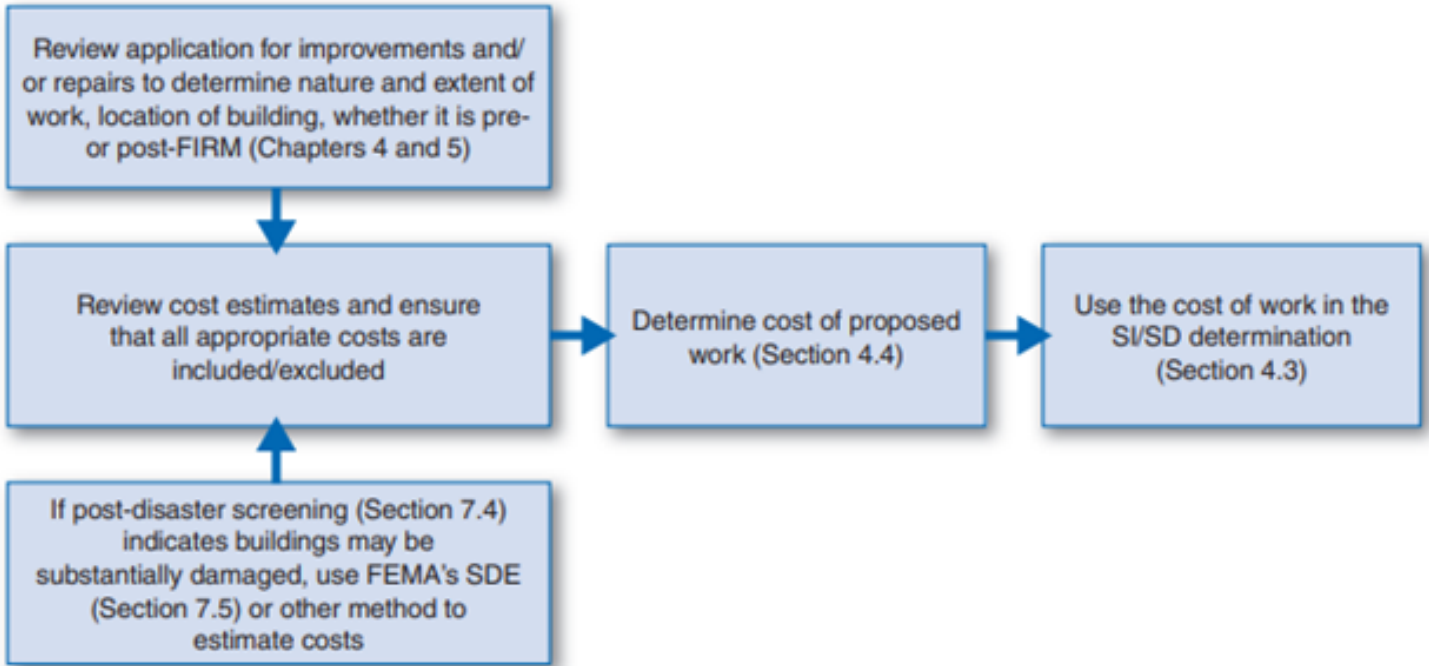


Figure 4-2. Determine the cost of work (overview)

Plans Examiners follow FEMA’s process above to make the SI/SD determinations.

If work being done is outside the scope of work of the original application and estimated cost of reconstruction/improvement, a stop work order gets placed on permit until a revised FEMA packet is submitted. The SI/SD determination will govern if improvement cost exceeds 50% of the market value of the building and if the building is required to comply with current elevation requirements.

5-year cumulative substantial improvement requirement stopped on 11/30/2022 as approved by Council. Permits pulled after that in SFHA’s are looked at per project or damaging event.

FEMA Letters

U. S. Department of Homeland Security
Region 4
3005 Chamblee Tucker Road
Atlanta, GA 30341



FEMA

June 8, 2023

The Honorable John Gunter
Mayor, City of Cape Coral
1015 Cultural Park Blvd
Cape Coral, FL 33990

Reference: Floodplain Management Post-Disaster Visit

Dear John Gunter:

This is to provide you with our findings from the review visit that the Federal Emergency Management Agency (FEMA) conducted on March 7, 2023. Thank you for the courtesy extended to Ms. Mary Rountree and Ms. Cristina Muresan Trott of the FEMA DR-4673 staff. We are very appreciative of the time the City spent with them.

The City of Cape Coral participates in the National Flood Insurance Program (NFIP) and is currently a Class 5 in the Community Rating System (CRS). This rating is a reflection of the City's dedication to higher standards and provides many NFIP policy holders in the City 25 percent premium discounts.

The purpose of this visit was to understand the effectiveness of the City of Cape Coral's post-disaster floodplain management activities, including its substantial damage process and to gauge its progress.

During the visit, the City of Cape Coral's substantial damage and floodplain development permit processes were reviewed and discussed. City staff indicated that inspections and substantial damage determinations were not being conducted proactively, rather only when requested by the building owner at the time a permit is requested.

When communities wait for homeowners to apply for permits, they risk losing the opportunity to bring structures into compliance as not all owners apply for the proper permits. For those that do obtain the proper permits, not having substantial damage determinations done in advance can slow down their recovery as they have begun planning their repairs without knowing they may have to address substantial damage requirements, including elevation of the first finished floor to or above the regulatory flood elevation.

www.fema.gov

FEMA Letters

To demonstrate adequate community floodplain management program implementation and enforcement, FEMA is requesting the City of Cape Coral provide the following items, on or before July 8, 2023:

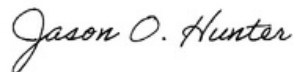
1. A list of the community-identified substantial damage or potential substantial damaged structures;
2. List of the demolition permits (to include the address) issued since 10/1/2022;
3. Copies of permits issued since 10/1/2022 for repairs in the Special Flood Hazard Area (SFHA);
4. Elevation Certificates for any completed work in the SFHA, since 10/1/2022; and
5. Explanation of substantial damage operations conducted to date or plans for future compliance operations.

FEMA's analysis of Individual Assistance and NFIP claims data indicates as many as 36 residential structures in the City of Cape Coral may have been substantially damaged. We believe this data could support your community's substantial damage operations. If the City is interested in requesting this data through an Information Sharing Access Agreement (ISAA), please email FEMA-DR-4673-data-sharing-requests@fema.dhs.gov to begin the process. While this information may be useful, it does not capture all community damages and is not meant to be a substitute for a community's own inspection of its SFHA and substantial damage determinations.

The Disaster Recovery Reform Act (DRRA) of 2018, Section 1206 authorizes FEMA to provide communities approved for Public Assistance funding following a presidentially declared disaster with the resources needed to effectively administer and enforce building codes and floodplain management regulations (e.g., substantial damage assessments or determinations, permitting, etc.), increasing the speed of recovery and enhancing NFIP compliance. Local communities may receive assistance for these activities completed up to 180 days after the disaster declaration. For Hurricane Ian, this date is March 29, 2023.

We appreciate the City of Cape Coral's commitment to administering the NFIP. Implementing a local floodplain management program--including enforcement of floodplain management regulations--is a minimum expectation of participation in the NFIP and is also a requirement for participation in the CRS. We ask that the City submit all the requested documentation to FEMA-R4-FMI@fema.dhs.gov, on or before July 8, 2023, to demonstrate that your community's floodplain management program meets minimum NFIP requirements and that your community may continue to be eligible for CRS participation. If your staff members have questions or require additional information, Mr. James Mascellino may be reached by telephone at (407) 716-9528 or by e-mail at james.mascellino@fema.dhs.gov.

Sincerely,



Jason O. Hunter, CFM, Chief
Floodplain Management & Insurance Branch
Mitigation Division

Cc: Conn Cole, Florida NFIP State Coordinator
Wyatt Daltry, Planning Team Coordinator, City of Cape Coral

FEMA Letters

U. S. Department of Homeland Security
 Region 4
 3005 Chamblee Tucker Road
 Atlanta, GA 30341



FEMA

December 6, 2023

Michael Ilczyszyn
 City Manager, City of Cape Coral
 1015 Cultural Park Blvd
 Cape Coral, FL 33990

Reference: National Flood Insurance Program (NFIP) – Floodplain Management Post-Disaster

Dear Mr. Ilczyszyn:

As part of FEMA’s ongoing compliance responsibilities following Hurricane Ian, our staff toured your community’s Special Flood Hazard Areas during the weeks of October 30th and November 4th. The two-person teams identified recent and on-going rebuilding activity for which we do not have permit documentation.

Attached is the list of **238 sites** that were identified. We are requesting the city provide all the permit documentation as listed below to FEMA-R4-FMI@fema.dhs.gov, on or before **January 12, 2024**.

This will demonstrate your community’s floodplain management program meets minimum NFIP requirements to ensure your community continues to be eligible for Community Rating System (CRS) participation.

Please see the documentation requested below.

Community Determination	Documentation Needed
Structure compliant, based upon review of Elevation Certificate	Were repair permits issued? <ul style="list-style-type: none"> • If yes, provide the structural repair/improvement permit #s and issuance dates, or • If no, proof of the enforcement action.
Community Determined, Structure IS Substantially Damaged/Improved	<ul style="list-style-type: none"> • Substantial Damage/Improvement notification letter • Substantial Damage/Improvement assessment calculation documentation • Calculated damage/improvement percentage • Structural repair/improvement permit #s • Permit issuance dates

www.fema.gov

FEMA Letters

Community Determination	Documentation Needed
Community Determined, Structure is NOT Substantially Damaged/Improved	<ul style="list-style-type: none"> • Substantial Damage/Improvement assessment calculation documentation, • Calculated damage/improvement percentage • Structural repair/improvement permit #s • Permit issuance dates
Unpermitted repairs/improvements	<ul style="list-style-type: none"> • Proof of the enforcement action • and documentation based upon the community determination (see above)

Failure to provide this information will lead to enforcement action.

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 be in less-than-full compliance, it will retrograde to a CRS Class 10.”

For CRS communities, the first enforcement action is a CRS retrograde to class 10 followed by probation.

My team has discussed this information request with your community’s floodplain administrator. If your staff members have questions or require additional information, please call Mr. Jason Hunter at (404) 909-6125, or e-mail him at jason.hunter@fema.dhs.gov.

Sincerely,



Jacky S. Bell
 Division Director
 Mitigation Division

Attachment: Site List

Cc:
 Mr. Conn Cole, Florida NFIP State Coordinator
 Mr. Wyatt Daltry, Planning Team Coordinator, City of Cape Coral

NFIP Community Rating System Overview

Received by City after the March 28, 2024, FEMA meeting



National Flood Insurance Program Community Rating System Overview

The **National Flood Insurance Program (NFIP)** is managed by FEMA and is delivered to the public by a network of insurance companies and the NFIP Direct. The NFIP **Community Rating System (CRS)** recognizes, encourages, and rewards community and State activities that go beyond the minimum required by the NFIP to:

- Reduce and avoid flood damage to insurable property;
- Strengthen and support the insurance aspects of the NFIP; and
- Foster comprehensive floodplain management.

CRS is a voluntary program and provides for reductions of flood insurance premiums by 5% - 45% for policy holders with insurable property in flood zones located within CRS communities. To maintain these reductions, CRS communities must certify each year that they continue to perform the floodplain management activities credited under the CRS. In addition, communities must obtain permits for redevelopment activity post-disaster. FDEM provides contractual staff to assist in permitting, plans reviews, inspections, but ultimately all decisions are made by local building officials.

Post Hurricane Ian CRS Timeline:

- In **February 2023**, FEMA staff met in person with local officials to discuss the implementation of their post-disaster permitting, identification of substantially damaged structures, needed community technical support, and schedules for future periodic engagements to monitor progress. Based on the information gathered during this process, 23 communities were identified as not proactively managing their substantial damage process or conducting substantial damage assessments and determinations.
- In **June 2023**, FEMA Region 4 sent status letters to each of the 23 communities including the required documentation for submission and detailed potential consequences of not enforcing their regulations and permitting recovery development. Regular engagements with all communities were conducted where detailed technical assistance was provided on the substantial damage process. Communities provided an update on their progress at the end of September.
- In **October-November 2023**, Region 4 staff reviewed the submittals and subsequently conducted field tours to collect documentation of re-development. Between September 2022 and December 2023, there were, on average, 20 separate engagements per community with generally three being in-person visits.
- As a result of the field visits and reviews, Region 4 identified nine communities with the highest amount of redevelopment activity without permits. Region 4 requested additional documentation to be submitted by January 12, from the nine communities demonstrating they are abiding by their local floodplain management regulations.

Determination:

FEMA is pursuing CRS Retrograde and NFIP probation for five communities due to the large amount of unpermitted work, lack of substantial damage documentation, failure to resolve known compliance issues, and failure to properly monitor activity in their Special Flood Hazard Area.

Documentation outlining this failure to comply will be provided to these communities by FEMA.

Community	Total Number of Sites	Percentage of Unpermitted Work
Bonita Springs	121	50%
Cape Coral	238	23%
Estero	67	58%
Ft. Myers Beach	105	21%
Lee County	590	25%



Letters to Residents

March 2023



City of Cape Coral

Department of Development Services

SUBJECT: Potential Substantial Damage

Dear Resident,

Recently, damage teams inspected your neighborhood and identified your structure as a structure that received damages possibly exceeding 50% of the structural market value due to Hurricane Ian. As your property is located in a Special Flood Hazard Area (AE-flood zone), the structure may be subject to Substantial Damage requirements.

When a property in a special flood hazard area is damaged by any cause, we must determine whether the amount of damage meets the National Flood Insurance Program (NFIP) definition of "substantial damage." This number is determined by comparing the estimated cost to repair the building to its pre-damage condition to the estimated market value of the building before the damage occurred.

Prior to beginning repairs, please contact the Building Department for a building permit. A permit is required. Failure to obtain a required permit is a violation. We regret the damage you have experienced. We will try to make the permitting process as easy as we can for you.

In addition, please reach out to the Department of Development Services to obtain a preliminary Substantial Damage determination to see if your structure sustained damages at or above 50% of market value. This is important as Substantially damaged buildings are required to be brought into full compliance with flood resistant construction requirements of the Florida Building Code. In addition to other requirements that reduce exposure to future flooding, residential buildings must be elevated at least one foot above the base flood elevation. Non-residential buildings must be elevated or dry flood proofed to at least one foot above the base flood elevation. Call this office at 239-573-3160 or wdaltry@capecoral.gov to schedule a consultation to discuss your options for bringing the building into compliance.

The City of Cape Coral participates in the National Flood Insurance Program. Failing to enforce floodplain damage requirements can jeopardize our participation in the program which could result in losing eligibility for flood insurance, disaster assistance and federally-backed loans and grants for our citizens. Thank you for your cooperation and assistance at this difficult time.

Sincerely,

Wyatt Daltry, AICP, CFM
Planning Team Coordinator/CRS Coordinator
239-573-3160
wdaltry@capecoral.gov

Letters to Residents

April 2023



City of Cape Coral
Department of Development Services

SUBJECT: Potential Substantial Damage

Dear Resident,

Recently, damage teams inspected your neighborhood and your structure is in a neighborhood which has suffered damages due to Hurricane Ian. As your property is in a Special Flood Hazard Area (AE-flood zone), the structure may be subject to Substantial Damage requirements if damaged.

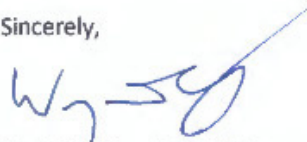
When a structure in a special flood hazard area is damaged by any cause, the City must determine whether the amount of damage meets the National Flood Insurance Program (NFIP) definition of "substantial damage." This number is determined by comparing the estimated cost to repair the building to its pre-damage condition to the estimated market value of the building before the damage occurred. It is best to identify this prior to obtaining repairs.

Prior to beginning repairs, please contact the Building Department for a building permit. A permit is required. Failure to obtain a required permit is a violation. We regret the damage you have experienced. We will try to make the permitting process as easy as we can for you.

In addition, please reach out to the Department of Development Services to obtain a preliminary Substantial Damage determination to see if your structure sustained damages at or above 50% of market value. This is important as Substantially Damaged buildings are required to be brought into full compliance with flood resistant construction requirements of the Florida Building Code. In addition to other requirements that reduce exposure to future flooding, residential buildings must be elevated at least one foot above the base flood elevation. Non-residential buildings must be elevated or dry flood proofed to at least one foot above the base flood elevation. Call this office at 239-573-3160 or wdaltry@capecoral.gov to schedule a consultation to discuss your options for bringing the building into compliance if necessary.

Please note: this is an informational letter. This is not a Substantial Damage determination letter. The purpose of this letter is to inform you of your obligations and responsibilities if your structure is damaged. The City of Cape Coral participates in the National Flood Insurance Program. Failing to enforce floodplain damage requirements can jeopardize our participation in the program which could result in losing eligibility for flood insurance, disaster assistance and federally backed loans and grants for our citizens and residents. Thank you for your cooperation and assistance at this difficult time.

Sincerely,



Wyatt Daltry, AICP, CFM
Planning Team Coordinator/CRS Coordinator
239-573-3160
wdaltry@capecoral.gov



Letters to Residents

October 2023



City of Cape Coral
Department of Development Services

SUBJECT: Permits and Hurricane Damage

Dear Resident,

As the community recovers from Hurricane Ian, we wanted to provide you with a friendly reminder that your structure is in a neighborhood which has suffered damages due to Hurricane Ian, and that prior to beginning repairs, please contact the Department of Development Services for a building permit. A permit to make repairs is required. Failure to obtain a required permit is a violation. We regret the damage you have experienced. The Department will try to make the permitting process as easy as we can for you.

Furthermore, as your property is in a Special Flood Hazard Area (AE-flood zone), the structure may be subject to Substantial Damage requirements if damaged beyond 50% of the structure's value.

When a structure in a special flood hazard area is damaged by any cause, the City must determine whether the amount of damage meets the National Flood Insurance Program (NFIP) definition of "substantial damage." This number is determined by comparing the estimated cost to repair the building to its pre-damage condition to the estimated market value of the building before the damage occurred. It is best to identify this prior to obtaining repairs. If you have already started or performed repairs on your structure, we can still work with you to determine compliance with FEMA, NFIP and Florida Building Code.

Therefore, please reach out to the Department of Development Services to obtain a preliminary Substantial Damage determination to see if your structure sustained damages at or above 50% of market value. This is important as Substantially Damaged buildings are required to be brought into full compliance with flood resistant construction requirements of the Florida Building Code. In addition to other requirements that reduce exposure to future flooding, residential buildings must be elevated at least one foot above the base flood elevation. Call this office at 239-573-3160 or wdaltry@capecoral.gov to schedule a consultation to discuss your options for bringing the building into compliance if necessary.

Please note: this is an informational letter. The purpose of this letter is to inform you of your obligations and responsibilities if your structure is damaged. The City of Cape Coral participates in the National Flood Insurance Program. Failing to enforce floodplain damage requirements can jeopardize our participation in the program which could result in losing eligibility for flood insurance, disaster assistance and federally backed loans and grants for our citizens and residents. Thank you for your cooperation and assistance at this difficult time.

Sincerely,

Wyatt Daltry, AICP, CFM
Planning Team Coordinator/CRS Coordinator
239-573-3160
wdaltry@capecoral.gov

Mayor's Press Conference Remarks

FEMA Presser 4.3.24

Talking Points for Mayor John Gunter:

Introduction:

Thank you all for joining us today.

We are here to address a matter of utmost importance to our community: the recent decision by FEMA to retrograde our Community Rating System (CRS) rating. This decision, if allowed to continue, will remove the 25% flood insurance discount which City staff has worked for years to achieve and maintain on behalf of our residents and businesses.

By the Numbers:

I'd like to paint a picture for you first – in Cape Coral there are 100,056 residential structures.

From what we can ascertain at this point, the following stems from a letter received from FEMA in December of 2023 which contained a list of 238 properties and requested documentation on each to determine whether or not they were substantially damaged.

To date city staff was able to resolve 184 of the 238 in question.

Of the addresses resolved 139 of the properties named had a permit history.

29 of the properties were new construction.

Staff discovered unpermitted work on 5 of the properties and commenced enforcement action.

Another 5 of the properties were deemed compliant with NFIP and floodplain requirements.

4 were discovered to have had Substantial Damage and city staff started enforcement action

2 more properties were demolished

At this time 54 properties are still being evaluated to determine whether or not any violation exists under NFIP regulations.

However, based on a recent FDEM announcement we have learned, FEMA has categorized all 54 properties (23% of the original 238) as being out of compliance with NFIP.

Mayor's Press Conference Remarks

Specifically they allege “unpermitted work” exists at all of these properties; however, the city continues its investigatory efforts of the remaining 54.

A more in depth timeline will be provided this afternoon during the council meeting and we plan to provide that information to our media partners as well.

Impact on Cape Coral Residents:

This decision will have significant repercussions for our residents, particularly in terms of flood insurance premiums.

If a downgrade in our CRS rating, residents can expect increases in their flood insurance rates under the National Flood insurance Program, placing an additional financial burden on families already facing challenges.

Efforts Made to Address the Issue:

I want to assure our residents that we have been proactive in addressing this matter. Following FEMA's decision, I reached out to our political allies, including Congressman Byron Donalds and State Representative Mike Giallombardo, to discuss potential avenues for resolution.

Collaboration with Political Allies:

I am grateful for the support and collaboration of Congressman Donalds and State Representative Giallombardo in advocating for our community's interests.

Together, we are exploring all possible avenues to challenge FEMA's decision and seek a reconsideration of our CRS rating.

Importance of Maintaining a Favorable CRS Rating:

Maintaining a favorable CRS rating is essential not only for our residents' financial well-being but also for our community's overall resilience.

A higher CRS rating reflects our commitment to effective floodplain management practices, which ultimately reduce flood risk and enhance public safety.

Despite the outcome of our appeal to FEMA the city will continue all efforts to obtain a higher discount, we will not abandon our belief in the system.

Mayor's Press Conference Remarks

Call to Action:

I urge our residents to stay informed and engaged in this process.

We need your support as we continue to work to advocate for Cape Coral's interests and seek a favorable resolution with FEMA.

Conclusion:

In conclusion, I want to reiterate our unwavering commitment to protecting the interests of our residents.

We will spare no effort in our pursuit of a fair and equitable outcome with FEMA, and we will keep our community informed every step of the way. If they refuse to recognize all that we are doing, that will ultimately be FEMA's decision.

Thank you again for your attention, and I'm now happy to take any questions you may have.

Media Contact Information

Office of Communications

communications@capecoral.gov

mmickey@capecoral.gov

kmullen@capecoral.gov

lcurkimilis@capecoral.gov

(239) 242-3834

www.CapeCoral.gov

