




State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

MEMORANDUM

TO: Construction Officials
in Sandy-Impacted Counties

FROM: Edward M. Smith 
Director
Division of Codes and Standards

DATE: May 15, 2018

SUBJECT: Homes with a Substantial Damage Determination
Required to elevate extended to 2021

On November 27, 2017, I informed you that under the National Flood Insurance Program (NFIP), homes determined by the floodplain administrator to be substantially damaged were allowed six years from the date of the event to comply with the requirement to elevate. On April 11, 2018, that deadline was again extended by FEMA to nine years from the date of the event or October 29, 2021 (see attached).

Those municipalities that have issued Temporary Certificates of Occupancy or Certificates of Occupancy with conditions to allow homeowners to return to their homes in advance of completing the required elevation of the home, please continue to monitor their progress.

As mentioned in the November 27, 2017 memorandum, we will be contacting Sandy-impacted communities prior to the FEMA established completion date for the number and addresses of the homes in your municipality that were categorized as substantially damaged, are currently occupied and have not yet been elevated.





FEMA

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENGINEERING & CONSTRUCTION
DIVISION OF DAM SAFETY & FLOOD CONTROL
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U.S. Department of Homeland Security
Region II
Jacob K. Javits Federal Office Building
26 Federal Plaza, Room 1311
New York, NY 10278

April 5, 2017

Subject: October 2018 NFIP Mitigation Deadline
Sandy Substantially Damaged Structures

Honorable Mayor:

This letter is being sent to recommend that your community pro-actively communicate with the owners of Superstorm Sandy "substantially damaged" structures in advance of the October 2018 mitigation deadline. In this case, substantial damage structures are those structures that were officially identified by the Local Floodplain Administrator by the issuance of a Sandy Substantial Damage letter.

Your Local Flood Damage Prevention Ordinance contains minimum NFIP requirements that apply not only to new structures, but also to existing structures which are "substantially improved (SI)" or "substantially damaged (SD)." Enforcing the SI/SD requirements is a very important part of a community's floodplain management responsibilities under the NFIP. Local Floodplain Administrators in communities that participate in the NFIP must determine whether proposed work qualifies as a substantial improvement or repair of substantial damage. If work on buildings constitutes SI/SD, then structures must be brought into compliance with current NFIP requirements for new construction, including the requirement that lowest floors be elevated to or above the design flood elevation (DFE). Meeting this requirement can also be accomplished by demolition followed by construction of new buildings that meet the NFIP requirements on the same sites or by relocating buildings to locations outside of the SFHA.

Homeowners of some of these properties may have even been issued a temporary Certificate of Occupancy (CO) to live in these structures for up to 6 years before needing to fully mitigate if they could take the necessary temporary measures to make their homes habitable. The determination of habitability was to be made by the Local Construction Code Official. Additional information on this and the mitigation deadline can be obtained in the NJDCA Construction Code Communicator at http://www.nj.gov/dca/divisions/codes/publications/pdf_ccc/CCC_2015_Summer.pdf.

In addition, the National Flood Insurance Program (NFIP) provides Increased Cost of Compliance (ICC) coverage to pay up to \$30,000 towards the cost of compliance with State and local floodplain ordinances. The NFIP granted an additional 2 years to complete the approved ICC mitigation measures for all losses occurring on or after January, 1 2011. This means NFIP policyholders will now have six years from the date of the loss to complete the approved ICC mitigation measures. The FEMA letter extending the current four-year time limit for completing ICC related work to a six-year time limit is also contained in the link provided above.

Should you have any questions regarding this matter, please do not hesitate to contact Joseph Ruggeri, P.E., CFM of the NJDEP at joseph.ruggeri@dep.nj.gov or Patricia Griggs of FEMA at patricia.griggs@fema.dhs.gov.

Sincerely,

John H. Moyle, P.E., Director
Division of Dam Safety & Flood Control
NJDEP

Michael F. Moriarty, Director
Federal Insurance & Mitigation
FEMA Region II