



## **NATIONAL FLOOD INSURANCE PROGRAM (NFIP) SUBSTANTIAL DAMAGE/ SUBSTANTIAL IMPROVEMENT (50% RULE)**

If your home or business is located within a 100-year floodplain and it was constructed through a County Building Permit after October 31, 1985, the County of Ventura Floodplain Management Ordinance and the Federal Emergency Management Agency's (FEMA) flood protection regulations may affect how you remodel, renovate, or add-on to your building. You may need to obtain a Floodplain Development Permit from the Public Works Agency and construct your building to specific FEMA flood protection standards set out in Title 44, Code of Federal Regulations, Sections 59 & 60. You can access these federal standards by visiting FEMA 's website at [www.fema.gov](http://www.fema.gov).

FEMA floodplain maps, known as 'Flood Insurance Rate Maps' (FIRM) are available for your review at the Public Works Agency customer counter on the 3<sup>rd</sup> floor of the Government Building (800 South Victoria Avenue, Ventura).

If your home or business has sustained structural and/or interior damage from flooding, you may have to rebuild using a number of flood protection standards that are also addressed in Title 44, Code of Federal Regulations, Sections 59 & 60.

The County of Ventura has adopted and enforces these flood protection standards to ensure that buildings are reasonable safe from flood damage as well as to continue to participate in the National Flood Insurance Program (NFIP) which allows residents to be eligible to purchase Federally-subsidized flood insurance for their homes, businesses, and other buildings on their properties.

### **Are There Building Exemptions to the FEMA Regulations?**

Yes, specifically:

If your building was constructed before October 31, 1985 (referred to by FEMA as a Pre-FIRM building), and your proposed addition/ remodel/ renovation is not a "50% Substantial Improvement" (see below for explanation), your project can be exempted, or;

If the County Building Official has determined that your building is in violation of a State or County health, sanitary, or safety code specification, then those specific improvements that the Official deems to be the minimum necessary to correct/abate the violation and assure safe living conditions can be exempted, or;

If your building has officially been designated an 'historic structure' under the National Register or a Federally-certified state or local inventory, and its historic status will not be removed as a result of the proposed improvements, then your project can be exempted.

### **What is Substantial Damage and Substantial Improvement?**

**Substantial Damage:** means damage from any origin (e.g., flooding, mud/debris flow, earthquake, wildland fire) sustained by a building that is located within a 100-year floodplain whereby the cost of repairing/restoring the building to its before-damaged condition would equal or exceed 50% of the depreciated market value of the building before the damage occurred. The cost of the repairs must include all costs necessary to fully repair the building, even if the owner elects to do less.

**Substantial Improvement:** means any reconstruction, remodel, addition, or other improvement to an existing (PRE-FIRM) building that is located within a 100-year floodplain, whereby:

**Total cost of the project** (demolition + building components and finishing materials + built-in cabinets and appliances + contractor/ subcontractor labor, profit and overhead) **equals or exceeds 50% of the depreciated market value of the building** (excluding the land/ property and any structure that is physically detached from the building) before the start of construction.

Example Only:      Proposed cost of project improvements = \$100,000.00  
                                 Market value of (PRE-FIRM) building      = \$300,000.00

Cost of improvements/ Market value:  $\$100,000 / \$300,000 \times 100 = 0.33$  (33%)

Although a Floodplain Development Permit is required, since 33% is less than 50% of the depreciated market value of the building, this proposed project would be exempt from FEMA and County flood protection standards.

If, on the other hand, a building is determined to be "substantially damaged" or "substantially improved" (i.e., the total project cost is equal to or greater than 50% of the building's depreciated market value), or the building was constructed after October 31, 1985 (POST-FIRM building), then it cannot be exempted. Instead, the project must be designed and constructed in compliance with all applicable FEMA and County of Ventura flood protection standards. This includes, but is not limited to elevating the first floor of the building and all utility equipment and related servicing (electrical, mechanical, plumbing, ventilation, heating, air conditioning), at a minimum, to one-foot above the 100-year base flood elevation. A FEMA Elevation Certificate and a Floodproofing Certificate will be required at project completion.

### **What is Depreciated Market (Building) Value?**

**Depreciated Market (Building) Value:** means the cost to replace the building in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the building was constructed. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the building but shall not include economic or other forms of external obsolescence. Market value does not include the value of the land/property, or exterior improvements such as landscaping, fencing, swimming pools, paving, or any other structure that is physically detached from the building such as a detached garage or shed.

### **What Needs to be Included in the 'Total Cost of the Project'?**

Please refer to the attachment "SUBSTANTIAL IMPROVEMENT/ DAMAGE ITEMS". Please note that costs for damage repairs must be based on pre-storm prices and rates.

### **What are Your Next Steps?**

Retain the services of a California licensed building contractor. Have the contractor complete, sign and date the attached "County of Ventura FEMA 50% Substantial Improvement Cost Breakdown" form.

Retain the services of either:

- (a) A California licensed land appraiser. Have the appraiser prepare and certify a "Uniform Residential Appraisal Report" and attach color photographs of the building. Certified appraisals need to be based on the comparable sites method and should not be more than six-months dated. The value of the building needs to be adjusted by the amount of depreciation which has accrued since it was initially constructed including the deterioration of building components. Please be sure that the appraisal pertains just to the building and any structures that are physically attached to the building. Do not include in the appraisal the value of the property or any feature that is detached from the building, or;
- (b) A California licensed real estate broker. Have the broker prepare and certify a "Broker Price Opinion Letter" and attach color photographs of the building. The letter should not be more than six-months dated. The value of the building needs to be adjusted by the amount of depreciation which has accrued since it was initially constructed including the deterioration of building components. Please be sure that the calculations pertain just to the building and any structures that are physically attached to the building. Do not include in the letter the value of the property or any feature that is detached from the building.

Prepare a site plan of your proposed project. Show all proposed work, including a floor plan if internal renovations/repairs are being proposed. The site plan should identify all existing buildings/ structures on the property, driveways/accesses, location of any oaks and sycamore trees, a drawing scale, north arrow, construction dimensions, and the property's most recent Assessor's Parcel Number.

Submit Items 1 through 3, along with a completed "Floodplain Development Application" (attached) and a check for TBD, made payable to "The County of Ventura", to the Public Works Agency, Development & Inspection Services Division, 3<sup>rd</sup> floor of the Government Building (800 South Victoria Avenue, Ventura). This fixed fee or fee deposit (TBD) covers the County's cost to review your project and process your Floodplain Development Permit.

The Public Works Agency will review your submitted information and determined if it is complete. If your project qualifies as a "50% Substantial Improvement", a Floodplain Development Permit will be issued. If your project does not qualify, the following additional steps will need to be taken by you:

Your California licensed Civil Engineer or Architect will need to design your addition/ remodel/ renovation project to FEMA and County flood protection standards, as set out in Title 44, CFR, Sections 59 & 60, and County Floodplain Management Ordinance. Federal regulations, standards, and FEMA technical bulletins are available to assist you online at: [www.fema.gov](http://www.fema.gov) and;

A full set of project construction plans will need to be submitted to the Public Works Agency for plan check review and approval. Your initially submitted fee (Item 4, above) will cover this service. Please submit your set of plans at the same time you submit your plans to the Building & Safety Department, and;

An additional (fee deposit), TBD, (check made payable to "The County of Ventura") will need to be paid prior to receiving your approved plans and Floodplain Development Permit. This fee deposit will be used by Public Works staff to conduct inspections of your project throughout construction to ensure compliance with the conditions of the Floodplain Development Permit. It will also be used for reviewing and issuing your FEMA Elevation Certificate and Floodproofing Certificate, and;

At project completion, your Civil Engineer or Architect will need to submit a completed FEMA Elevation Certificate and Floodproofing Certificate. Both certificates are available online at [www.fema.gov](http://www.fema.gov). Both certificates need to be signed off by the Public Works Agency before the Building & Safety Department can issue you an Occupancy Permit.

**SUBSTANTIAL IMPROVEMENT/ DAMAGE ITEMS**  
**ITEMS TO BE INCLUDED IN YOUR CONTRACTOR'S COST ESTIMATE:**

**All structural elements, including:**

Spread or continuous footings and pilings  
Monolithic or other type of concrete slabs  
Bearing walls, tie beams, and trusses  
Wood or reinforced concrete decking or roofing  
Floors and ceilings  
Attached decks, porches, and garages  
Interior partition walls  
Windows and doors  
Hardware.

**All exterior finish elements, including:**

Stucco, siding, stone  
Painting, decorative moldings  
Retiling or reshingling a roof.

**All interior finish elements, including:**

Tiling, stone, linoleum, or carpet over subflooring  
Bathroom tiling and fixtures  
Interior wall finishes (e.g., painting, decorative moldings)  
Kitchen, utility, and bathroom cabinets  
Built-ins: bookcases, cabinets  
Hardware.

**All utility and service equipment, including:**

HVAC equipment  
Repair or reconstruction of plumbing and electrical services  
Light fixtures and ceiling fans  
Security systems  
Built-in kitchen appliances  
Central vacuum systems  
Water filtration, conditioning, or recirculation systems.

**Contractor and sub-contractor costs:**

Labor associated with demolishing, removing, or altering building components  
Overhead and profit.

**ITEMS TO BE EXCLUDED IN THE COST ESTIMATE:**

Plans and specifications

Survey costs

Permit fees

Debris removal (lot dumpster rental, transport fee to landfill, landfill tipping fee)

Clean up (dirt and mud removal, building dry-out, etc.)

Items not considered real property (e.g., furniture, plug-in type appliances)

Outside improvements, including:

Structures not physically attached (foundation, wall, roof) to the subject building  
(e.g., detached garage, shed)

Landscaping and irrigation systems

Sidewalks and driveways

Privacy walls, retaining walls

Fences

Swimming pools and spas

Yard lights.