



CITY OF HOUSTON

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FREQUENTLY ASKED QUESTIONS REVISIONS TO CHAPTER 19 *September 1, 2008*

What is the purpose of Chapter 19?

This chapter of the Code of Ordinances was adopted by the City of Houston in 1985 to allow all citizens of Houston the opportunity to obtain federally guaranteed flood insurance, to promote sound regulations for development in flood prone areas, and to minimize property losses due to flooding. The language was based on model language provided by the Federal Emergency Management Agency (FEMA).

What is the purpose of the most recent changes to Chapter 19?

- To improve long term protection of the storage and conveyance capacity of the existing floodplain
- To develop a fee structure to support the costs of administering the program

What are the benefits of the Chapter 19 revisions to citizens?

- The revisions improved the City's classification in the Community Rating System so that citizens receive further reductions in their flood insurance premium. Houston residents located in the floodplain now receive up to a 15% reduction in flood insurance premiums.
- The revisions improve the long term protection of conveyance and storage of the floodplain.

What is the difference between a floodway and floodplain?

- The *floodway* is the primary conveyance area for storm runoff along a bayou, river, or other watercourse;
- The *floodplain* is the land area adjacent to the watercourse that stores and/or conveys water during the 100-year event (a rainstorm that has a 1% chance of occurring in a given year) that cannot be conveyed within the banks of the watercourse.
- The floodway is located within the floodplain.
- Both the floodway and the floodplain are defined by federal law, and are determined by calculations based on computer models. One cannot always distinguish which is the floodway and which is the floodplain merely by looking at the area around a bayou.

My house is in the floodplain but has never flooded, are the flood maps wrong?

- No. The flood maps are called FIRM's (Flood Insurance Rate Maps) and their primary purpose is to define the "risk" of flooding for the purposes of calculating flood insurance premiums.
- Homes that have not flooded previously may still be at "risk" for a future flood.

May I replace my house/structure if it is destroyed by a fire, flood, or other catastrophe?

- Yes. The performance standards for the replacement will be determined by where the home is located (floodplain, floodway or outside of floodplain).

What changes were made to Chapter 19 as it applies to the floodway?

- Private construction in the floodway has been generally prohibited by Chapter 19 since it was adopted by the City in 1985. However, if an applicant complied with specified conditions, the ordinance allowed an exception. The September 2008 revisions to the ordinance define the performance standards necessary for rebuilding, reconstructing or remodeling an existing structure in the floodway and define a separate set of performance standards for new vertical construction on previously vacant land in the floodway.
- Construction of roads, bridges and other structures necessary for the health, safety and welfare of the general public will still be allowed in the floodway, so long as their construction will not impede the flow of floodwaters and meet the performance standards.

Can I obtain a permit to make improvements to my existing home in the floodway?

- Yes. Improvements which exceed 50% of the market value of the structure or expand the existing footprint require compliance with the performance standards for construction in the floodway.
- Improvements to upgrade and/or maintain properties in the floodway are not prohibited. Permits for interior and exterior improvements that do not increase the building footprint are reviewed and issued in a routine manner. Examples include kitchen remodeling, bathroom remodeling, and other similar interior maintenance needs.
- No change has been made to a home owner's ability to obtain a permit for such improvements.

Can I obtain a permit to add another room to my existing home in the floodway?

- Yes. If the new room is on the second floor of your existing home and the construction is not a "substantial improvement" (exceeds 50% market value) a development permit may be issued.
- If the new room expands the footprint of the home or results in a "substantial improvement", the structure must comply with the performance standards for construction in a floodway.

What is a "substantial improvement"?

- Any improvement that exceeds 50% of the market value of the structure prior to the event or improvement in question is defined as a "substantial improvement."
- If an applicant requests a permit for construction that results in a substantial improvement to a structure in the floodplain or floodway, then the entire structure must be brought into compliance with regulations for new construction.

My house/structure is in the floodway and has not been damaged, but I want to elevate or replace my house with one that is elevated out of harm's way. Can I do that?

- Under the current Ordinance, a permit may be obtained to replace a structure meeting all of the requirements for construction in the floodway (Sec. 19-43(c)). Again, the city has developed specific standards for constructing in the floodway and Floodplain Management staff is available to discuss all designs in the floodway.

I own vacant property within the floodway. Can I build a house on the lot?

- The answer to this question is site dependent.
- For properties partially in the floodway, structures can be permitted for construction on the floodway and/or floodplain portion of the property provided that the specific performance standards for the floodplain and floodway are met.
- For vacant properties wholly within the floodway, construction of new structures will be permitted if all performance standards for floodway construction are met.

What are the “performance standards” for new construction in the floodway?

- As outlined in Section 19.43(d) of Chapter 19,
 - (1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;
 - (2) The foundation system for the structure will be pier and beam construction;
 - (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c); and
 - (4) The applicant has paid all fees required by section 19-17(e) of the Code.

Is the market value of my home in the floodway reduced?

- The habitability of a home in the floodway is not affected by the changes in the ordinance. A homeowner can continue to maintain and improve the home in accordance with Chapter 19 rules. (The City does not maintain information on the market value of property.)

Will the City pay me if the market value of my home is reduced?

- No. Property values depend on a variety of factors. The City does not evaluate or collect market information, and the City does not reimburse homeowners for a loss in market value of their property.

What are my options if the City rejects my application for a permit for new construction in the floodplain or floodway?

- The ordinance provides a variance process.
- A property owner can appeal the denial of a permit for construction. An application for a variance can be obtained from the Floodplain Management Office and can be filed at any time prior to issuance of a permit.
- No variance may be granted for development on vacant land in a floodway
- The applicant must prove to the appeals board that the City's action has created an exceptional hardship.

What was done to protect mitigation?

- The revisions to Chapter 19 provide for long-term protection of mitigation (floodplain storage). This was accomplished by requiring that the location of mitigation areas and their volume be recorded on the plat and deed of properties. This ensures that mitigation will be permanent and will transfer with property as it is sold over time.

Is street flooding normal?

- Yes The streets are considered to be a part of the City's drainage system.
- During a typical rainfall event, water will flow through storm sewers located underneath the street or in roadside ditches to a drainage channel. When the capacity of the storm sewer is exceeded, the water will run overland in the street until the flow in the storm sewer or roadside ditch has receded to drain the water.

Why is flooding a frequent problem in some neighborhoods?

The two most common reasons include:

- Older subdivisions were built prior to the current, more complete understanding of flooding potential and prior to current regulations that restrict certain uses of flood-prone land.
- Streets and storm sewers are typically designed for “normal” rainfall events, and when heavy rains fall the systems are overloaded. Water will begin to pond in the streets and then flow overland to reach a creek or bayou, sometimes flooding houses along the way.

Who needs flood insurance?

- Everyone! Even if you do not live within the mapped floodplain, consider this: Repaying a \$50,000 loan from the Small Business Administration costs about *\$300 a month* over many years, but an average flood insurance policy costs about *\$300 annually*. To find out about flood insurance, contact your local homeowner's insurance agent or visit the National Flood Insurance Website, www.fema.gov/nfip/.

The FEMA Flood Insurance Rate Maps show my house is outside the flood zone, do I really need flood insurance?

- Yes, everyone needs flood insurance. Just because your home is not mapped within the 100-year flood plain does not mean you are always safe from the potential to flood. Many homes flood because rain can not drain fast enough to prevent localized ponding from reaching inside a home. On a national basis, one-third of flood loss claims come from property located outside of the 100 year flood plain.