

JAMES CITY COUNTY

2018 FLOOD MITIGATION PILOT PROGRAM GUIDELINES

INTRODUCTION

The James City County Board of Supervisors allocated \$50,000 for a flood mitigation pilot program to assist with improvements that minimize the impacts of flooding. The 2018 Flood Mitigation Pilot Program (the “Program”) offers financial and technical floodproofing assistance to owners of properties in a Special Hazard Flood Zone and on the Repetitive Loss List (“Repetitive Loss List”) as determined by the Federal Emergency Management Agency (“FEMA”). The Program will allow some owners to retrofit their structures to resist flood damage. The Stormwater and Resource Protection Division administers the Program in coordination with the Stormwater Program Advisory Committee (“SPAC”). The Program Administrator is the Director of the Stormwater and Resource Protection Division.

FINANCIAL ASSISTANCE

The Program offers grants to eligible owners to pay a portion of the cost of an Elevation Certificate and to reimburse a portion of eligible flood mitigation construction. The maximum Program grant is \$3,000 per property. However, owners enrolled in the James City County Elderly and Disabled or the Disabled Veterans Real Estate Tax Exemption programs (“Tax Exemption”) may be eligible for additional grant funds.

The Grant funding is available as follows:

1. If there is not an Elevation Certificate (the “EC”) for the property, the owner will pay 20% of the cost for EC to the County and the County will pay the balance. The grant payment for the EC will count toward the maximum County contribution of \$3,000 per property.
2. The owner will pay the contractor directly for all construction and will submit receipts to the County in accordance with the “Construction Closeout” section below. After the County verifies that the project is complete, the County will reimburse the owner for 50% of the eligible flood mitigation construction costs, up to \$3,000. The County will only reimburse the owner for construction and equipment directly related to the flood mitigation. For example, the County will not pay for aesthetic improvements or upgrades to the electrical or mechanical systems unless the upgrade is required by the County Building Code to complete the flood mitigation. Staff will be available throughout the project to assist the owner in complying with the Program Guidelines to maximize owners’ reimbursement.
3. The owner is not required to accept the lowest bid, but may select any pre-qualified contractor to do the work; however, the grant reimbursement will not exceed 50% of the lowest bid for each eligible item.
4. The property must have a current flood insurance policy prior to requesting reimbursement for floodproofing expenses.

WET FLOODPROOFING

The Program will assist with “wet floodproofing” improvements. Wet floodproofing does not prevent property from being flooded. FEMA uses the term to describe methods that modify uninhabited parts of a structure (such as a crawlspace, basement or garage) to allow floodwaters to enter and exit without causing significant damage to the structure or its contents. Allowing water into uninhabited portions of the structure equalizes the interior and exterior pressures and reduces the likelihood of wall failures and structural damage. Areas that will be flooded may only be used for parking, access or storage; all construction and finish materials should be flood damage-resistant. Furthermore, service equipment must be elevated and the area must properly drain as the floodwater recedes.

The Program will follow FEMA recommendations and specifications. Information is available on FEMA’s website, www.fema.gov and in the FEMA publication *FEMA P-312, Homeowner’s Guide to Retrofitting, 3rd Edition*, which may be downloaded from <https://www.fema.gov/media-library/assets/documents/480>. (Because of recent disasters, printed copies are not currently available.)

GRANT ELIGIBLE WET FLOODPROOFING METHODS

The Program may assist with the following flood mitigation methods:

1. Installing openings in foundations and enclosures, including automatic flood vents
2. Protecting mechanical/electrical/service equipment
3. Installing flood damage-resistant materials

Openings in Foundations and Enclosure Walls

Foundation openings and automatic flood vents allow for the automatic entry and exit of floodwaters in areas below the flood elevation. All openings and flood vents must meet FEMA specifications.

Protecting Mechanical and Service Equipment (HVAC, electric, utilities, fuel tanks, etc.)

Protecting mechanical and service equipment includes elevating, relocating, or protecting equipment in place. Equipment installed outside the structure may be raised on pedestals or platforms. Equipment located in a basement, crawlspace or other area below the design flood elevation (the “DFE”) may be relocated to an upper floor, attic, or higher ground. If elevation or relocation are impossible, low floodwalls, shields, anchors and tie-downs may protect the service equipment in place.

Installing Flood Damage-Resistant Materials

The National Flood Insurance Program (“NFIP”) specifies that all construction and finish materials located below the DFE must be durable, resistant to flood forces, and retardant to deterioration caused by repeated exposure to floodwater. Acceptable materials are listed in *NFIP Technical Bulletin 2-08, Flood-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program*. (www.fema.gov/media-library/assets/documents/2655)

PROGRAM PROCESS

The Flood Mitigation Program is a seven-step process:

1. Notification
2. Preliminary Application
3. Evaluation and Preliminary Eligibility
4. Final Application
5. Approval and Agreement
6. Construction
7. Post-completion Inspection

Notification

Staff will notify owners of properties on the Repetitive Loss List of the availability of assistance and direct them to the Preliminary Application on the website (a paper application is available upon request). If funds remain after assisting the property owners on the Repetitive Loss List, staff will notify owners of other properties in the Special Hazard Flood Zone about availability of assistance.

Preliminary Application

The notice will state the deadline to submit a Preliminary Application. Staff intends to have a single deadline for Preliminary Applications; however, staff will accept additional applications as long as there are unspent funds. The Preliminary Application will allow property owners to communicate their interest in the Program and provide basic information about their property.

Evaluation and Preliminary Eligibility

After receiving the Preliminary Application, staff will meet with the owner, evaluate the property and assess the potential to reduce damage during a flood event.

If staffs' preliminary evaluation indicates the property is ineligible for the Program, staff will notify the owner with a written justification. If staff deems the property eligible, staff will send the owner a link to the Final Application on the website (a paper application will be provided upon request). Staff will also inform the owner of the due date for the Final Application.

If the owner wishes to participate in the Program, they must provide an Elevation Certificate ("EC"). If an EC does not exist for the property, the County will assist in obtaining one. The associated cost will be shared with the owner as described above in "Financial Assistance." The owner shall give staff a check, payable to "Treasurer, James City County," for their portion of the associated costs and staff will order the EC from a surveyor on the County's approved list. Staff will coordinate with the owner and surveyor for access to the property. When the EC is complete, staff will deliver a copy to James City County Building Safety and Permits and send the original to the owner.

Contractor Selection and Final Application

Staff has developed a list of contractors qualified to participate in the Program. To develop the

list, the County publicly solicited a “Request for Qualification” from interested contractors, reviewed each submission ensuring the contractor is licensed, insured and not debarred.

The owner should request proposals from at least three of the pre-qualified contractors. The owner should evaluate the contractor’s reputation, skills and pricing before contracting for the work. The proposals should include a detailed itemized scope of work and itemized prices. The owner should inform the contractors that the contractor is responsible for obtaining all the necessary permits for the project. Owners enrolled in a Tax Exemption program may obtain a building permit fee waiver from the Program Administrator, or her designee.

The owner will be responsible for obtaining any required post-project certifications such as an EC or Floodproofing Certificate. The costs of the post-project certifications are eligible for cost sharing within the grant limits.

The owner should not to enter into a contract for the work prior to receiving final approval and signing an agreement with the County.

The Final Application must include detailed information regarding the proposed project, including:

1. Proposals from three pre-qualified contractors that include a detailed scope of work with itemized costs
2. The signed Final Application form, including acknowledgments that:
 - a. This is a reimbursement program.
 - b. Owner will pay the contractor.
 - c. Submission of the Final Application is not an assurance that a grant will be awarded.
 - d. The County is not responsible for any payments until: (1) the County and the owner sign a 2018 Flood Mitigation Pilot Program Agreement (the “Agreement”) and (2) the “Construction and Closeout” as described below is complete.

Approval and Agreement

The Stormwater Program Advisory Committee (SPAC) has established project-scoring criteria that will guide staff in approving Final Applications. If the total cost of the Final Applications received by the due date exceeds the available funds, staff will evaluate applications and shall prioritize projects according to their score on the SPAC-approved project scoring criteria.

The project scoring criteria are as follows:

1. FEMA Hazard Rating
2. Structure Condition
3. Foundation Type
4. Project Methods
5. Tax Exemption Status

If an application is approved, staff will notify the applicant of the amount of funding the Program will provide and the final completion date for the submitted project. The final

completion date is the due date for the request for reimbursement and is generally within six-months of approval. The construction must be complete and the owner must submit a request for reimbursement by the final completion date.

The grant Agreement between the property owner and the County will formally document the responsibilities of both parties, describe the scope of the project, the grant funds available, and the time limit for completion of the Project. A sample of the Agreement is available online or by request.

Construction and Closeout

After the owner and the County execute the Agreement, the owner will be responsible for contracting and supervising all of the construction-related activities. The owner will be liable for all expenses associated with the construction.

The County will take a secondary role in inspecting the construction. Other than required inspections by Building Safety and Permits officials, County staff will only inspect the construction to verify it is complete so that the owner may receive reimbursement.

When construction is complete, the property owner may submit a request for reimbursement to the Program Administrator. The reimbursement request must include the following documentation:

1. A copy of the construction contract
2. Signed statements from the contractor and suppliers verifying they have been paid in full, including mechanics lien waivers from all subs and suppliers
3. Copies of invoices from the contractor
4. A current certificate of flood insurance
5. An approved final inspection from James City County Building Safety and Permits
6. A post-construction Elevation or Floodproofing Certificate
7. The completed Request for Reimbursement form

Staff will examine the request, submitted documents and work to verify completion. Within 30 days of finding that the owner has met the requirements of the Agreement, the County will issue a check to owner, in the amount accordance with the terms of the Agreement.

Post-Completion Inspections

The County wishes to assess the success of this pilot program, therefore the County reserves the right for the Program Administrator, or her designee, to examine the property one year after construction is complete to ensure that the flood mitigation methods remain operational. The County further reserves the right to examine the construction during and after flood events to determine the effectiveness of the flood mitigation methods.