

STATE OF NEW JERSEY  
Department of Community Affairs

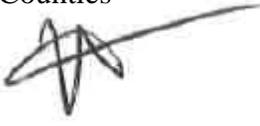
Chris Christie  
*Governor*

Charles A. Richman  
*Commissioner*

Kim Guadagno  
*Lt. Governor*

MEMORANDUM

TO: Construction Officials  
in Sandy-Impacted Counties

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

DATE: November 27, 2017

SUBJECT: Homes with a Substantial Damage Determination  
Required to elevate by October 29, 2018

As many of you are aware, under the National Flood Insurance Program (NFIP), homes determined by the floodplain administrator to be substantially damaged were allowed four years from the date of the event to comply with the requirement to elevate. That deadline was subsequently extended by FEMA to six years from the date of the event or October 29, 2018.

In many municipalities, such homes were repaired and reoccupied following Sandy. Temporary Certificates of Occupancy or Certificates of Occupancy with conditions were issued to allow homeowners to return to their homes in advance of completing the required elevation of the home.

At this time, we would like to determine how many such homes (those that were substantially damaged, repaired and reoccupied) have not yet been elevated. Because of the number of appeals and reevaluations of substantial damage determinations, it is recommended that the list be reviewed with the floodplain administrator to verify that the homes on the list are still categorized as substantially damaged as that term is defined under the NFIP. Please send a list to the Department at the below e-mail address no later than January 1 with 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.

[cstandards@dca.nj.gov](mailto:cstandards@dca.nj.gov)

Thank you for your anticipated cooperation.

### Electrical Bonding of Corrugated Stainless Steel Tubing (CSST) UPDATE



Section 310.1.1 of the 2009 and 2015 International Fuel Gas Code (IFGC) and Section G2411.1.1 of the 2009 and 2015 International Residential Code (IRC) require CSST gas piping to be bonded.

CSST manufacturers have recently introduced a new product that has been listed and tested that would not require additional bonding, provided the product is installed in accordance with the conditions specified in the manufacturer’s installation instructions.

The question: May this product be used without a variation?

As per NJAC 5:23-3.7(a)2, Municipal approvals of alternative materials, equipment, or methods of construction, if the manufacturer has reports of engineering findings issued by nationally-recognized evaluation service programs, such as, but not limited to, the International Code Council (ICC- ES – PMG) and the National Evaluation Service, Inc., these findings shall be accepted by the appropriate subcode official as meeting the requirements of NJAC 5:23-3.7(a). The materials, equipment, or assembly shall be installed in accordance with the conditions specified in the report.

Therefore, if the product has a nationally-recognized evaluation service report, as described above, a variation would not be required.

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello  
Code Assistance Unit

### Plumbing Fixture Count



*(Reprinted with updated references from Volume 17 Number 1 Spring 2005)*

Since the International Building Code (IBC) was adopted, the Department of Community Affairs has received many calls pertaining to the differences in [use] group classifications between those cited in the IBC and the National Standard Plumbing Code (NSPC).

Table 7.21.1 of the NSPC/2015 cites similar [use] group classifications as the IBC, but they are not exactly the same. So, to determine the proper plumbing fixture count, and to avoid any misinterpretation between the building and plumbing codes, it is recommended that the DESCRIPTIONS of the building use as set forth in both the building and plumbing codes be used, and NOT simply the [use] group classification.

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello  
Code Assistance Unit

### UPDATE - Flood Elevation FAQs: NJ’s Emergency Flood Elevation Rule

In the Spring 2013 *Construction Code Communicator*, we published an article of frequently asked questions (FAQs) provided by the Department of Environmental Protection in relation to the Flood Hazard Area Control Act. The FAQ that addressed substantially damaged homes having up to four years to elevate using increased cost of compliance (ICC) monies has been revised as the time to elevate has been extended to six years per FEMA memorandum W-15038 dated August 10, 2015. Therefore, the FAQ should now read:

Q: If my home is determined to be substantially damaged, can I still live in it until I elevate?

A: Homeowners may live in structures that are deemed substantially damaged for up to six years before needing to elevate if they can take temporary measures to make their homes habitable. The determination of habitability must be made by the local construction official.

The official memorandum is provided on the next page but if you’d like your own copy, please visit <http://nfpiservice.com/Stakeholder/pdf/bulletin/w-15038.pdf>.

U.S. Department of Homeland Security  
Washington, D.C. 20472



FEMA

W-15038

August 10, 2015

MEMORANDUM FOR: Write Your Own (WYO) Company Principal Coordinators, WYO Vendors, NFIP Servicing Agent, and Independent Adjusting Firms

FROM: Roy E. Wright   
Deputy Associate Administrator for Insurance and Mitigation

SUBJECT: **Extension of the Current Four-Year Time Limit for Completing Increased Cost of Compliance Benefit Related Work to a Six-Year Time Limit for All Flood Claims Occurring After January 1, 2011**

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 or local floodplain management laws or ordinances (Section III.D – Increased Cost of Compliance of the Standard Flood Insurance Policy (SFIP)). The Standard Flood Insurance Policies (SFIPs) provide two years from the date of loss for the policyholder to complete the ICC qualifying work in Section III, Coverage D.

In FEMA bulletins w-13006 and w-13024, the Associate Administrator for the Federal Insurance and Mitigation Administration exercised his waiver authority to conditionally allow for advance payments of ICC funds (up to ½ of the amount for the qualifying work or a maximum of \$15,000) and extended the two year time frame to complete the ICC mitigation to four years from the date of loss. In the event the required mitigation measures are not completed within four years, the remaining ICC benefit cannot be paid and any advance payment received by the policyholder must be returned.

ICC benefits may also be used as the non-Federal cost share for FEMA mitigation grant projects where the cost share is the responsibility of the NFIP policyholder. The mitigation grant process, however, may often extend beyond four-years from the date of the flood loss.

To facilitate the completion of mitigation grant-related activities without the need for additional waivers of the now four-year time frame to complete qualifying ICC work, I hereby waive the provisions of Section III.D.5.e of the SFIP Dwelling form, General Property form and the Residential Condominium Building Association Policy form and allow an additional two 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 to complete the approved ICC mitigation measures starting on the date of the underlying flood insurance indemnity loss if the loss occurred on or after January 1, 2011. This bulletin does not alter any applicable time frames for any loss occurring before January 1, 2011.

**Extension of the Current Four-Year Time Limit for Completing Increased Cost of Compliance Benefit Related Work to a Six-Year Time Limit for All Flood Claims Occurring After January 1, 2011**

August 10, 2015  
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Any conflicting and previously issued waivers and guidance are hereby amended by the issuance of this bulletin.

AUTHORITY: This waiver is made pursuant to the SFIP provisions dealing with Amendments, Waivers, and Assignments of the SFIP (VII. D of the SFIP Dwelling Form, General Property Form and VIII, D of the SFIP Residential Condominium Building Association Policy Form) and 44 C.F.R. § 61.13(d).

Thank you for your continued cooperation.

cc: IBHS, FIPNC, Government Technical Representative

Suggested Routing: Claims, Underwriting

**Q: What are ABFEs?**

A: FEMA had been remapping the floodplain along New Jersey's coastline for two years when Sandy hit. FEMA's previous maps were outdated and did not always accurately show the potential for flooding. In order to support and guide New Jersey's recovery efforts, FEMA released its new mapping in December on an advisory basis. The ABFEs use the most accurate modeling, topographic maps and scientific data available. To learn more about ABFEs and to view the maps for New Jersey, visit:

<http://www.region2coastal.com/sandy/abfe>

**Q: Will the ABFEs change?**

A: FEMA anticipates some changes to these maps for both elevations and zones. The ABFEs currently reflect the most accurate modeling, topographic maps and scientific data available. FEMA plans to release updated flood maps over the next six to seven months, which will further fine-tune coastal flood elevations. The regulatory process to finalize the maps could take up to two years. DEP will continue to work with FEMA to provide input on these maps.

**Q: If the ABFEs are only advisory, why is the state incorporating the use of these maps now as the basis for elevation standards?**

A: In many cases, existing FEMA flood maps were significantly outdated. Many were more than two decades old. The ABFE maps, which are the precursor to final flood maps, will better protect property and lives and provide consistency and predictability during rebuilding. They will make coastal areas stronger and more resilient. Consistency and predictability will allow rebuilding to occur much more quickly so lives affected by Sandy can return to normal. Without this action, residents may have reconstructed with inadequate safety standards, exposing them to substantially higher flood insurance rates when FEMA adopts its final maps.

**Q: Do I have to elevate my home and/or build to new construction standards?**

A: You are required to elevate and/or meet new construction standards if your house is located in a flood zone and was declared substantially damaged by your local floodplain administrator or is new construction. You have no legal obligation to elevate if your home was not substantially damaged.

**Q: What is the definition of substantial damage?**

A: Substantial damage means damage of any origin

sustained by a structure in which the cost of restoration of the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Q: If I have to elevate my house, will the state or federal governments help finance the work?**

A: Yes. FEMA can provide up to \$30,000 to cover the Increased Cost of Compliance (ICC) with federal, state and local regulations if you have federal flood insurance. In addition, the Christie Administration intends to provide grants to homeowners with substantially damaged homes to help them offset some of the costs of elevation, mitigation and renovation, and intends to announce in the spring the mechanism for such grants. In order to access any additional funding, FEMA requires property owners reconstruct using the best available data.

**Q: Can I get Increased Cost of Compliance assistance to elevate my home even if it was not determined to be substantially damaged?**

A: This FEMA assistance is only available to those who had National Flood Insurance Program protection for structures that have sustained substantial damage and were below the current base flood elevations. It is available to anyone with flood insurance, regardless of whether the house is a primary place of residence or not. The state is exploring other options to assist property owners who want to elevate but did not meet the threshold for a determination of substantial damage.

**Q: Will the emergency regulation affect my flood insurance rates?**

A: The ABFEs do not affect insurance rates. Your rates could increase when FEMA adopts its final flood maps. If you do not meet its elevation standards, which are likely to be close to the ABFEs, your rates could increase even more significantly.

**Q: Are there benefits to elevating?**

A: Yes. You will better protect your house and its contents and you will likely pay lower flood insurance rates in the future than if you do not elevate. Some people may find that the long-term insurance savings alone can offset the cost of raising a house.

**Q: If my home is determined to be substantially damaged, can I still live in it until I elevate?**

A: Homeowners may live in structures that are deemed substantially damaged for up to four years before needing to elevate if they can take temporary measures to make their homes habitable. The determination of habitability must be made by the local construction official.