

*Important information for buildings that are non-conforming to the required flood protection elevation requirement in the Special Flood Hazard Areas (Flood zone designation AE, AO, AH, and V).

Substantial Improvement/Damage (FEMA 50% Rule) Frequently Asked Questions and Information

Q. What is the FEMA 50% rule?

A. The City of Boca Raton participates in the National Flood Insurance Program (NFIP) making affordable flood insurance available for structures within its jurisdiction through the Federal Emergency Management Agency (FEMA). The City adopts and enforces floodplain management ordinances to reduce future flood damage. The FEMA 50% rule is a minimum requirement for participation in the NFIP. It limits the cost of improvements (additions, alterations, and/or repairs) to non-conforming structures to less than 50% of the “market value” of structure prior to the start of work.

Q. What is a “non-conforming structure”?

A. FEMA identified areas that are at higher risk for periodic flooding and determined the minimum lowest floor elevation for structures in these areas. On the Flood Insurance Rate Maps (FIRM) high risk flood zones are denoted as zones “AE”, “AH”, “AO”, and “VE” and this designation is usually followed by the minimum lowest finished floor elevation height requirement (example AE-12). Structures in these zones that have the lowest finished floor below the required elevation are non-conforming.

Q. How can I determine the flood zone and elevation requirement for a property?

A. For persons needing a flood zone determination the City offers as a service flood zone determinations at no cost. Simply call the City at (561) 393-7792 or contact zoning@myboca.us and “request a flood zone determination” and the request will be assigned to the appropriate staff person.

Q. How is “market value” determined?

A. “Market Value” is always based on the condition of structure before the start of the improvement or before the damage occurred. Only the value of the structure is pertinent, the value of site improvements such as pools, accessory structures, and landscaping are not included. The market value can be either determined by the adjusted Property Appraiser’s assessed improvement value or through an appraisal prepared by a qualified professional appraiser. A private appraisal must identify the appraised value of the structure less the value of all forms of depreciation is the “market Value”.

Q. What if the cost of improvement or repair exceeds 50% of market value?

A. Improvements or repairs the cost of which exceeds 50% of the market value are classified as a substantial improvement. A non-conforming structure that is substantially improved is required to conform with the requirements for new construction including elevating to the required minimum elevation.

Q. Can a single improvement be divided into multiple permits?

A. Utilizing multiple permits to complete a single improvement is referred to as “phasing”. If the cumulative sum of the permits within a 3 year time frame exceeds 50% of the market value of the structure prior to the initial start of work, the structure is considered substantially improved and it would have to made compliant with current elevation requirements. Examples of phasing would be: Permits for

incomplete work that would result in a structure that can't be occupied without additional work. Multiple and/or consecutive permits such as applying for plumbing, electrical, air-conditioning, and building permits at close to the same time. Requesting modification of an issued permit.

Q. Who can I contact for more information?

For answers to any questions regarding the City's floodplain management regulations or elevation certificates contact the Zoning office at zoning@myboca.us