HISTORIC STRUCTURES AND FLOOD MITIGATION

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TOPICS

Regulatory requirements

Flood insurance

Mitigation opportunities
THE REGULATORY HOPPER

Community Floodplain Management Requirements
**REGULATORY PROTECTIONS**

- May be exempt from most floodplain management requirements
  - Flood Insurance may be higher
- Community can adopt one of two options:
  - Substantial improvement definition, or
  - Variance provision
  - Not recommended to adopt both
**Key Definitions**

- Historic structure
- Substantial improvement
  - Also includes substantial damage
  - Sometimes referred to as the “50% Rule”
**Historic Structure** means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   (1) By an approved state program as determined by the Secretary of the Interior or
   (2) Directly by the Secretary of the Interior in states without approved programs.

**Source:** Title 44, § 59.1, Code of Federal Regulations
Substantial Improvement

Substantial improvement means:

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

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MARYLAND’S HISTORIC DESIGNATION PROGRAMS

• National Register of Historic Places
• Maryland Register of Historic Properties
• Maryland Inventory of Historic Properties
• Determination of Eligibility
• Local Historic Designation

Source: “A Brief Look at Maryland’s Historic Designation Programs,” MHT
MARYLAND INVENTORY OF HISTORIC PROPERTIES

• A broad-based catalog of information on districts, sites, buildings, structures, and objects of known or potential value to the prehistory, history, terrestrial and underwater archaeology, architecture, engineering, and culture of the State of Maryland.

• Divided into two sections:
  ▪ standing structures/non-archaeological sites, and
  ▪ archaeological sites

• The information in the Maryland Inventory varies from minimal to extensively researched reports.

• The Maryland Inventory is often used as the basis for making decisions about eligibility determinations, establishing contexts for nomination, and significance of a resource.

• Inclusion in the inventory carries no regulatory protections or financial benefits.

Source: “A Brief Look at Maryland’s Historic Designation Programs,” MHT
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Source: “A Brief Look at Maryland’s Historic Designation Programs,” MHT
Maryland Register of Historic Properties

- Established by the Maryland legislature in 1985.
- A list of properties considered worthy of preservation for significance in American history and culture.
- Maintained by the Maryland Historical Trust, the Inventory includes districts, buildings, sites, and objects.
- Inclusion in the Inventory requires that the resource be listed in or determined eligible by the Director of the Maryland Historical Trust for listing in the National Register of Historic Places.
- Certain state regulatory protections and grant and loan programs are available for resources included in the Maryland Inventory of Historic Properties.

Source: “A Brief Look at Maryland’s Historic Designation Programs,” MHT
**HISTORIC STRUCTURE**

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MARYLAND CERTIFIED LOCAL GOVERNMENTS

Maryland Historical Trust:  [http://mht.maryland.gov/grants_clg.shtml](http://mht.maryland.gov/grants_clg.shtml)

Cities
- Annapolis
- Baltimore
- Bel Air
- Cambridge
- Chestertown
- Cumberland
- Frederick
- Gaithersburg
- Hagerstown
- Rockville
- Salisbury

Counties
- Baltimore
- Calvert
- Charles
- Frederick
- Montgomery
- Prince George's
- St. Mary's
- Talbot
- Washington
- Wicomico
**Historic Structure**

**Historic Structure:** Any *structure* that is:

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2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Maryland Register of Historic Properties; or

   If [COMMUNITY NAME] is a Certified Local Government with the National Park Service;

4. Individually listed on the inventory of historic places maintained by [COMMUNITY NAME] whose historic preservation program has been certified by the Maryland Historical Trust or the Secretary of the Interior.

**Source:** Maryland Model Floodplain Management Ordinance
SECOND OPTION: VARIANCE PROVISION

- Historic structures can only be substantially improved by variance
- Gives the community the ability to require additional conditions
- Should be applied consistently throughout the community
Flood Insurance

- National Flood Insurance Program (NFIP)
  www.FloodSmart.gov
- Recent Legislation:
  - Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12)
    - Grandfathering eliminated
  - Homeowner Flood Insurance Affordability Act of 2014 (HFIAA)
    - Grandfathering reinstated
- Only long-term solution is mitigation
FLOOD INSURANCE RATING

• Higher rates for:
  ▪ Subgrade crawlspaces
  ▪ HVAC not elevated
  ▪ Lack of flood openings

• Elevation Certificate may improve rate

• Agent to use whatever rating method yields cheaper rate
**Mitigation Opportunities**

- Install flood openings
- Elevate HVAC equipment
- Anchor fuel tanks
- Use flood-resistant materials

**FEMA Hazard Mitigation Assistance grants:**
- **Floodproofing** (dry, nonresidential only)
- **Relocation** (not preferred for historic buildings)
- **Elevation** (at least 2’ above BFE)
- **Demolition** (definitely not preferred for historic buildings)

Purchase flood insurance!
FLOOD OPENINGS

- Bottom of opening within 12” of grade
- Prescriptive: 1 sq. in. of net open area for every sq. ft. of enclosed area (also engineered option)
Elevation Certificate

1. Ensure compliance with community’s regulations
   - Properly elevated
   - Adequate flood openings

2. Flood insurance rating
   - Proper documentation required

3. Support Letter Of Map Change (LOMC) request
FEMA PUBLICATIONS

- FEMA Technical Bulletins:
  - TB1, Openings in Foundation Walls and Walls of Enclosures
  - TB 2, Flood Damage-Resistant Materials Requirements
  - TB 3, Non-Residential Floodproofing - Requirements and Certification
  - TB 7, Wet Floodproofing Requirements
- Substantial Improvement/Substantial Damage Desk Reference (FEMA P-758)
- Floodplain Management Bulletin on Historic Structures (FEMA P-467-2)
- Protecting Building Utilities From Flood Damage (FEMA 348)
- Floodproofing Non-Residential Buildings (FEMA P-936)
STATE PARTNERS - LOCAL GOVERNMENT

Don’t omit historic structures from:

- CRS activities
- Local hazard mitigation plan
- Hazard mitigation actions
STATE PARTNERS - MHT

- Cultural Resources Hazard Mitigation Planning Program
- Supported by a grant
- Develop guidance for hazard mitigation actions
- Working collaboratively with state mitigation partners
State Partners - MEMA

- Inclusion of cultural resources for local enhanced plans
- Hazus with historic properties
- State historic properties included in state hazard mitigation plan
**State Partners - MDE**

- Flood insurance outreach to historic property owners
- Technical assistance understanding floodplain regulations
- Collaboration on outreach activities and mitigation planning projects
STATE PARTNERS - DNR

- Coast Smart Communities Grant
- Architectural Survey & Risk Assessment for 8 Parks
- Janes Island State Park Archeological Survey
Baltimore City Nonstructural Analysis Interagency Project

• How to protect historic structure in the floodplain
• Fells Point and along the Jones Falls
• Evaluate floodproofing measures
• Maryland Silver Jackets Members (USACE, MHT, MDE, MEMA, NWS) and the City of Baltimore
WORKING TOGETHER
QUESTIONS?

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