

Attention all REALTORS®! Your listing could be in a floodplain!

On September 21, the Federal Emergency Management Agency (FEMA) issued new draft floodplain maps as part of a new Flood Map Modernization Program. Within this nationwide program, new standards have been set for defining a levee. These changes in standards have led to major revisions to FEMA's Flood Insurance Rate Map for Pima County. This mandate significantly affects portions of Pima County, because structures such as the CAP Canal, I-10, and the Union Pacific Railroad that had been taken into consideration as flood prevention measures when mapping flood zones in past years, have now been identified as levee-like structures that require certification in order to maintain the current flood zone. As a result, homes previously designated in low-risk flood zones will likely be required to purchase of flood insurance when the maps become permanent a year from now in September of 2008.

Prior to issuing these draft maps, FEMA had contacted various political subdivisions (cities, towns, counties, etc.) and owners of levees or levee-like structures requesting that they respond by signing a Provisionally Accredited Levee (PAL) certification letter by October 18, 2007 to show that these structures meet current standards for levee design and maintenance. After submitting the PAL letter, if a levee was determined deficient, levee owners had until October 18, 2008 to provide FEMA with proof of corrective measures. This levee owner then had until October 18, 2009 to supply FEMA with any and all additional information requested to fully accredit the levee in question. In Southern Arizona, structures that were identified by FEMA as levee-like structures include Interstate I-10, the CAP canal, and the Union Pacific Railroad. None of these structures were built to levee standards, therefore municipalities and/or agencies who owned these structures chose not to undergo the PAL certification process for these structures.

Because of its proximity to these levee-like structures, the Town of Marana appears to be impacted significantly by the remapping process. Potentially affected land includes everything between the railroad and Santa Cruz River and from the county line to Ina Road. Also included in the FEMA mapping is everything between the Central Arizona Project Canal and the railroad north of Tangerine Road. The Lower Santa Cruz levee and the West Bank of the Santa Cruz River were also identified as structures in need of certification. The Lower Santa Cruz levee is within the Pima County Regional Flood Control District. This levee satisfies FEMA's requirements and the Town has proceeded with the PAL process to seek certification. The Town is working with FEMA to remove the Santa Cruz River West Bank from the list of designated levees. To view the draft floodplain maps for Marana, go to <http://www.marana.com/index.asp?nid=592>. Please keep in mind these are only draft maps.

In Pima County, the Lower Santa Cruz Levee and the Big Wash Levee had been identified by FEMA, however, the Pima County Flood Control District submitted information that was accepted by FEMA so these structures will not impact the remapping. At press time, Pima County has submitted data through the PAL process and is awaiting information from FEMA on the following structures:

- Ajo Detention Basin, Tucson Diversion Channel
- Canada Del Oro Levee, Oro Valley
- Canyon Shadows Levee, Oro Valley
- Rams Canyon Levee, Oro Valley
- Roger Road Sewage Treatment Plant Levee, City of Tucson

Grant Road Levees – upstream and downstream (Pima County will make modifications to these structures if necessary based on FEMA's analysis of the PAL package).

Riverside Crossing Levee, City of Tucson

Mission West Floodwall, City of Tucson

Sotomayor Ranch Levee, City of Tucson

It is important to note that these areas have only been identified by FEMA as structures that require more information to determine whether they meet the criteria needed to maintain the current flood zones. Pima County has submitted information to FEMA and is awaiting a response on whether these structures meet standards to maintain the current flood zones or whether changes to the flood zones are necessary. The Final Preliminary Maps based on the information submitted are scheduled to come out in March of 2008. Maps would then not be final until September 2008.

IMPACT ON PROPERTY OWNERS

With FEMA's new standards, many areas once in a low flood risk area X are now identified as high-risk flood zone A and AE. This change impacts individuals and land owners because flood insurance requirements are determined by the flood zone designation. By re-designating the areas, FEMA has increased the amount of high-risk flood zones which directly impacted the amount of flood insurance required. Residents are not required to carry flood coverage until FEMA's maps take effect next year (September 2008), but, according to FEMA, homeowners will find flood insurance available in the interim that can be grandfathered into the new maps' requirements. The following grandfathering rules have been issued by FEMA:

- For homes constructed prior to February 15, 1983, the only way to grandfather a lower risk flood insurance category is to purchase the flood insurance before the new maps become effective.
- For homes constructed after February 15, 1983 a lower risk flood insurance policy can be purchased prior to the maps becoming effective and then grandfathered. Homes constructed after February 15, 1983 may also purchase flood insurance based on previous mapping by proving they were constructed per the flood insurance requirements in effect at the time of construction. The burden of proof under this situation is on the homeowner.
- Please note that policies purchased prior to the remapping will likely be called a "Preferred Rate Policy" or "PRP". These policies are substantially cheaper than regular flood insurance policies. After the new maps become effective, the PRP rate will convert to a regular policy rate at yearly renewal. According to FEMA, as long as these policies are locked in and do not lapse, the rates are locked in according to the time the policy was taken out. For more information, go to www.floodsmart.gov.

There is a possibility that homeowners will find some relief to FEMA's mandate. Congresswoman Gabrielle Giffords held a press conference at the Marana Municipal Complex on October 26 to announce her efforts to seek relief for property owners impacted by FEMA's mandate.

Congresswoman Giffords, along with other members of the Southern Arizona Congressional delegation, will meet with members of FEMA the week of October 29 to seek administrative

resolutions. Should an administrative solution not be reached, Giffords and the Southern Arizona Congressional delegation plan to pursue legislative solutions to the Federal Emergency Management Agency's decision regarding levee-like structures. Congresswoman Giffords will ask that towns such as Marana, where a lack of certification for levee-like structures is causing a change in the floodplain maps, be given the same time allotted for towns using the PAL process (2 years to meet certification standards). This would then allow towns the opportunity to conduct studies to determine whether these areas require a change in flood zone maps. A group of private sector stakeholders, mainly home builders and developers, is organizing a coalition and seeking support to fund the study.

TAR is monitoring this situation closely along with other stakeholders. TAR's main objective at this time is to notify the membership of this situation so you are aware of the potential changes to flood insurance rate maps in the future and are able to advise your clients accordingly. This issue has been referred to the TAR Risk Committee. TAR will continue to keep information up to date at our website. Also watch the weekly e-update and Community Affairs E-update for more information as it becomes available. For more information, contact Anne at anne@tucsonrealtors.org or at 382-8787.