



Minimum NFIP Regulations

(From 44 CFR §60.3* and §60.5)

The following are selected minimum NFIP regulations for flooding (§60.3) and erosion hazards (§60.5). The regulations in §60.3 are required by municipalities for participation in the NFIP. Please see federal regulations for original text.

44 CFR §60.3 - Reference

Accessory Structures	(c)(5)
Anchoring (general)	(a)(3)(i)
Anchoring (manufactured homes)	(b)(8)
AO zones	(c)(8-9,11)
Elevation above BFE (non-residential)	(c)(3)(i)
Elevation above BFE (residential)	(c)(2)
Enclosed areas below BFE	(c)(5)
Flood Proofing (non-residential)	(c)(3)(ii), (c)(4)
Floodway	(d)(2-4)
Manufactured home elevation (new or in expanded park)	(c)(6)
Manufactured home elevation (in existing park)	(c)(12)
Materials	(a)(3)(ii)
Permit Required	(a)(1), (b)(1)
Reasonably safe from flooding	(a)(3)
Recreational vehicles	(c)(14)
Subdivision (BFE development)	(b)(3)
Waste disposal systems	(a)(6)
Water supply systems	(a)(5)
Wet flood proofing	(c)(5)
Utilities (electrical, heating, plumbing, hvac)	(a)(3)(iv)

* Document adapted from a resource supplied by the Maine State Planning Office

§ 60.3 Flood plain management criteria for flood-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Administrator, they shall apply. The symbols defining such special flood hazard designation are set forth in 44 CFR §64.3. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

- (a) When the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:
 - (1) **Require permits for all proposed construction or other development** in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;
 - (2) Review proposed development to **assure that all necessary permits have been received** from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. 1334;
 - (3) Review all permit applications to determine whether proposed building sites will be **reasonably safe from flooding**. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall
 - (i) be designed (or modified) and **adequately anchored** to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - (ii) be constructed with **materials resistant to flood damage**,
 - (iii) be constructed by methods and **practices that minimize flood damages**, and
 - (iv) be constructed with electrical, **heating, ventilation, plumbing, and air conditioning equipment** and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that
 - (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

- (8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, **manufactured homes must be elevated and anchored** to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (c) When the Administrator **has provided a notice of final flood elevations** for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevation on the community's FIRM, **but has not identified a regulatory floodway**, the community shall:
- (1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;
 - (2) Require that **all new construction and substantial improvements of residential structures** within Zones A1-30, AE and AH zones on the community's FIRM have the **lowest floor (including basement) elevated to or above the base flood level**, unless the community is granted an exception by the Administrator for the allowance of basements in accordance with §60.6(b) or (c);
 - (3) Require that **all new construction and substantial improvements of non-residential structures** within Zones A1-30, AE and AH zones on the community's firm
 - (i) have the **lowest floor (including basement) elevated to or above the base flood level** or,
 - (ii) together with attendant utility and sanitary facilities, be designed so that **below the base flood level the structure is watertight** with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (4) Provide that where a non-residential structure is intended to be made watertight below the base flood level,
 - (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and
 - (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii);
 - (5) Require, for all new construction and substantial improvements, that **fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement** and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: **A minimum of two openings having a total net area of not less than one square inch for every square foot** of enclosed area subject to flooding shall be provided. **The bottom of all openings shall be no higher than one foot above grade.** Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (6) Require that **manufactured homes** that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
 - (i) Outside of a manufactured home park or subdivision
 - (ii) In a new manufactured home park or subdivision
 - (iii) In an expansion to an existing manufactured home park or subdivision, or
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,
 - (v) be elevated on a permanent foundation such that the **lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored** to an adequately anchored foundation system to resist floatation collapse and lateral movement.
- (7) Require within any AO Zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);
- (8) Require within any AO zone on a the community's FIRM that all new construction and substantial improvements of non residential structures
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if not depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);
- (9) Require with any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;
- (10) Require **until a regulatory floodway is designated, that no new construction**, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, **unless it is demonstrated** that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, **will not increase the water surface elevation of the base flood more than one foot** at any point within the community.
- (11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (12) Require that **manufactured homes** to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either
 - (i) The **lowest floor of the manufactured home is at or above the base flood elevation**, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are **no less than 36 inches in height above grade and be securely anchored** to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

- (13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Administrator.
- (14) Require that **recreational vehicles** placed on sites within Zones A1-30, AH, and AE on the community's FIRM either
- (i) Be **on the site for fewer than 180 consecutive days**.
 - (ii) Be **fully licensed and ready for highway use**, or
 - (iii) Meet the permit requirements of paragraph (b)(1) of this section and the **elevation and anchoring requirements for "manufactured homes"** in paragraph (c)(6) of this section.
 - (iv) A recreational vehicle is ready for highway use if it is on its own wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- (d) When the Administrator has **provided a notice of final base flood elevations** within Zones A1-30, and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, **and has provided data from which the community shall designate its regulatory floodway**, the community shall:
- (1) Meet the requirement of paragraphs (c)(1) through (14) of this section;
 - (2) **Select and adopt a regulatory floodway** based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
 - (3) **Prohibit encroachments**, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway **unless it has been demonstrated through hydrologic and hydraulic analyses** performed in accordance with standard engineering practice that the proposed encroachment **would not result in any increase in flood levels** within the community during the occurrence of the base flood discharge;.
 - (4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Administrator.

§ 60.5 Flood plain management criteria for flood-related erosion-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations for flood-related erosion-prone areas shall be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review, and reasonably utilize data available for other Federal, State or other sources, pending receipt of data from the Administrator. However, when special flood-related erosion hazard area designations have been furnished by the Administrator they shall apply. The symbols defining such special flood-related erosion hazard designations are set forth in 44 CFR §64.3. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-related erosion-prone areas adopted by a particular community depend on the amount of technical data provided to the community by the Administrator. Minimum standards for the communities are as follows:

- (a) When the Administrator has not yet identified any area within the community as having special flood-related erosion hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall
 - (1) **Require the issuance of a permit for all proposed construction** or other development in the area of flood-related erosion hazard, as it is known to the community;
 - (2) Require review of each permit application to determine whether the proposed site alterations and improvements will be **reasonably safe from flood-related erosion and will not cause flood-related erosion hazards** or otherwise aggravate the existing flood-related erosion hazard; and
 - (3) If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, **require the improvement to be relocated or adequate protective measures to be taken** which will not aggravate the existing erosion hazard.
- (b) When the Administrator has delineated Zone E on the community's FIRM, the community shall
 - (1) Meet the requirements of paragraph (a) of this section; and
 - (2) **Require a setback for all new development** from the lake, bay, riverfront or other body of water, **to create a safety buffer consisting of a natural vegetative or contour strip**. This buffer will be designated by the Administrator according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.