



**FEMA**

**State of New Jersey**

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENGINEERING & CONSTRUCTION

DIVISION OF DAM SAFETY & FLOOD CONTROL

Mail Code 501-01A

PO Box 420, Trenton, NJ 08625-0420

Telephone: 609-292-2296 Fax: 609-984-1908

**U.S. Department of Homeland Security**

Region II

Jacob K. Javits Federal Office Building

26 Federal Plaza, Room 1311

New York, NY 10278

April 5, 2017

Subject: October 2018 NFIP Mitigation Deadline  
Sandy Substantially Damaged Structures

Honorable Mayor:

This letter is being sent to recommend that your community pro-actively communicate with the owners of Superstorm Sandy “substantially damaged” structures in advance of the October 2018 mitigation deadline. In this case, substantial damage structures are those structures that were officially identified by the Local Floodplain Administrator by the issuance of a Sandy Substantial Damage letter.

Your Local Flood Damage Prevention Ordinance contains minimum NFIP requirements that apply not only to new structures, but also to existing structures which are “substantially improved (SI)” or “substantially damaged (SD).” Enforcing the SI/SD requirements is a very important part of a community’s floodplain management responsibilities under the NFIP. Local Floodplain Administrators in communities that participate in the NFIP must determine whether proposed work qualifies as a substantial improvement or repair of substantial damage. If work on buildings constitutes SI/SD, then structures must be brought into compliance with current NFIP requirements for new construction, including the requirement that lowest floors be elevated to or above the design flood elevation (DFE). Meeting this requirement can also be accomplished by demolition followed by construction of new buildings that meet the NFIP requirements on the same sites or by relocating buildings to locations outside of the SFHA.

Homeowners of some of these properties may have even been issued a temporary Certificate of Occupancy (CO) to live in these structures for up to 6 years before needing to fully mitigate if they could take the necessary temporary measures to make their homes habitable. The determination of habitability was to be made by the Local Construction Code Official. Additional information on this and the mitigation deadline can be obtained in the NJDCA Construction Code Communicator at [http://www.nj.gov/dca/divisions/codes/publications/pdf\\_ccc/CCC\\_2015\\_Summer.pdf](http://www.nj.gov/dca/divisions/codes/publications/pdf_ccc/CCC_2015_Summer.pdf).

In addition, 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 and local floodplain ordinances. The NFIP granted an additional 2 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 from the date of the loss to complete the approved ICC mitigation measures. The FEMA letter extending the current four-year time limit for completing ICC related work to a six-year time limit is also contained in the link provided above.

Should you have any questions regarding this matter, please do not hesitate to contact Joseph Ruggeri, P.E., CFM of the NJDEP at [joseph.ruggeri@dep.nj.gov](mailto:joseph.ruggeri@dep.nj.gov) or Patricia Griggs of FEMA at [patricia.griggs@fema.dhs.gov](mailto:patricia.griggs@fema.dhs.gov).

Sincerely,

John H. Moyle, P.E., Director  
Division of Dam Safety & Flood Control  
NJDEP

Michael F. Moriarty, Director  
Federal Insurance & Mitigation  
FEMA Region II