

SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE

NOTICE TO PROPERTY OWNERS

Rebuilding your home after the storm?

Adding on, renovating, or remodeling your home?

Here's information you need to know about the *50% Rule*.

If your home or business is below the 100-year flood elevation, FEMA, the State of Colorado, and Weld County have flood damage prevention regulations that may affect how you remodel, renovate, or add on to your building. If your home or business sustained structural and/or interior damage, these regulations may affect how you rebuild. The National Flood Insurance Program (NFIP) to protect your lives and investment from future flood damages requires these laws. Your community must adopt and enforce these laws in order for federally backed flood insurance to be made available to community residents and property owners.

Save yourself time, aggravation and money. Please read the following information.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed 50% of the market value or replacement cost of the structure before the damage occurred. (*Note: The cost of the repairs must include all costs necessary to fully repair the structure to its before damage condition.*)

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement.

If a building is "substantially damaged" or "substantially improved", it must be brought into compliance with FEMA, the State of Colorado, and Weld County flood damage prevention regulations, including elevating the building to or above the 100-year flood elevation.

Weld County, following National Flood Insurance Program requirements, has the responsibility to determine "substantial damage" and "substantial improvement" and has implemented the following procedures to do so:

We will use the assessed value of your structure (excluding the land) recorded by the Weld County Assessor. If you disagree with the Weld County Assessor valuation of the structure, you may engage a licensed property appraiser to submit a comparable property appraisal for the total market value of the structure.

You must obtain and submit to Weld County a detailed and complete cost estimate for the addition, remodeling, reconstruction or for repair of all the damages sustained by your home, prepared and signed by a licensed contractor. The contractor must sign an affidavit indicating that the cost estimate submitted includes all damages or all improvements to your home, not just structural. The signed contract document must be submitted. If the owner is the contractor, the owner is responsible for submitting the cost estimate, and providing documentation, including subcontractor bids to document the cost estimate.

Weld County will evaluate the cost of improvements or repairs and determine if they are fair and reasonable. For damage repairs, pre-storm prices and rates will be utilized. The cost of improvements or repairs does not include items not considered a permanent part of the structure (*i.e. plans, surveys, permits, sidewalks, pools, screens, sheds, gazebos, fences, etc.*).

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(continued)

If your home is determined to have “substantial damage” or is proposed to be “substantially improved”, then an Elevation Certificate must be submitted to Weld County to determine the lowest floor elevation (LFE). Attached garages (with proper openings) and carports are not considered to be the “lowest floor”.

If the lowest floor is below the 100-year flood elevation, the building must be elevated to or above that level. Likewise, all electrical and mechanical equipment (heating and cooling, etc.), bathrooms, and laundry rooms must be elevated to or above the 100-year flood level. Only parking, building access and limited, incidental storage is allowed below the base flood elevation.

Non-residential buildings may be “flood-proofed” instead of being elevated. If the lowest floor, electrical, plumbing, and mechanical equipment are already above the 100-year flood elevation, the building can be repaired and reconstructed without having to comply with the 50% Rule.

Building plans must be prepared to show how the building is to be elevated. If the building is to be flood-proofed, these plans must be prepared and certified by a registered professional engineer or architect. Certificates for this purpose are available at the FEMA website: www.fema.gov

Following a presidential disaster declaration, the Small Business Administration may make loans available for both house and businesses for purposes of elevating the structure to or above the 100-year flood elevation. Proof of “substantial damage” from Weld County is required.

Donated or Discounted Materials:

The value placed on materials should be equal to the actual or estimated cost of all materials to be used. Where materials or servicing equipment are donated or discounted below normal market values, the value should be adjusted to an amount equivalent to that estimated through normal market transaction.

Self or Volunteer Labor:

The value placed on materials should be equal to the actual or estimated labor charge for repairs of all damages sustained by the structure. Where non-reimbursed (volunteer) labor is involved, the value of the labor should be estimated based on applicable minimum hourly wage scales for the type of construction work to be completed. The building official, based on his professional judgment and knowledge of local and regional wage scales can provide additional guidance to determine reasonable labor rates for professional trades (i.e. electricians, plumbers, block masons, framing, HVAC, etc.)

SUBSTANTIAL DAMAGE OR SUBSTANTIAL IMPROVEMENT REVIEW

This form is submitted in conjunction with a Floodplain Permit (FP) or Flood Hazard Development Permit (FHDP) for structure remodel and repair projects located in a 1% annual chance flood area (A, AE, AH, AO).

| | |
|------------------------|--|
| Parcel Number | |
| Property Owner(s) | |
| Property Address | |
| Mailing Address | |
| Property Owner Phone | |
| Property Owner Email | |
| Contractor Name | |
| Contractor Phone/Email | |

Check one:

I **am** attaching a State Certified Appraiser's report of my property.

I **am not** attaching a State Certified Appraiser's report and accept the use of the valuation of my property maintained by the Weld County Assessor's Office.

Attach the following:

- Itemized list with cost estimate for all additions, improvements, or repairs on the subject building
- Copy of construction contract(s) or bid(s) with drawings and specifications
- Photos of the structure. (before and after the storm, as applicable)
- Plot plan or survey showing the structure

SUBSTANTIAL DAMAGE OR SUBSTANTIAL IMPROVEMENT AFFIDAVIT

I hereby attest to the fact that the repairs/reconstruction and/or remodeling list submitted for the Substantial Damage/Improvement Review by me or by my contractor are **ALL THE DAMAGES/IMPROVEMENTS SUSTAINED** by this structure and will be done to the existing building and that all additions, improvements, or repairs on the subject building are included in this estimated construction herewith. Neither I, nor any other contractor will make any repairs or reconstruction or additions or remodeling not included in the attached list.

I understand that I am subject to enforcement action and/or fines if inspection of the property reveals that I have made repairs or improvements not included on the attached list of repairs to my home or that I have included non-conforming or illegal structures/additions to the existing structure without having presented plans for such additions.

I understand that any permit issued pursuant to this affidavit does not authorize the reconstruction, repair or maintenance of any illegal additions, fences, sheds or non-conforming uses or structures on the subject property.

Sworn to and subscribed before me this

Property Owner

_____ day of _____, 20 _____.

Property Owner

Notary Public
My commission expires: _____

SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE ITEMIZED LIST OF REMODEL OR REPAIRS

Provide a list of items with cost estimates for all additions, improvements, or repairs on the subject

ITEMS TO BE INCLUDED

All structural elements, including:

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| Spread or continuous foundation footings and pilings | Floors and ceilings | Exterior wall finishes (e.g. brick, stucco, or siding including painting and decorative molding) |
| Monolithic or other types of concrete slabs | Windows and doors | Wood or reinforced concrete decking or roofing |
| Bearing walls, tie beams and trusses | Attached decks and porches | |
| | Interior partition walls | |
| | Hardware | |
| | Re-shingling or re-tiling a roof | |

All interior finish elements, including:

| | | |
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| Tiling, linoleum, stone, or carpet over subflooring | Bathroom tiling and fixtures | Wall finishes (e.g. drywall, painting, stucco, plaster, paneling, marble, or other decorative finishes) |
| Kitchen, utility and bathroom cabinets | | |
| Hardware | | |
| Built-in bookcases, cabinets and furniture | | |

All utility and service equipment, including:

| | | |
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| HVAC equipment | Repair or reconstruction of electrical and plumbing services | Water filtration, conditioning or recirculation systems |
| Built-in kitchen appliances | | |
| Security systems | | |
| Central vacuum systems | Light fixtures and ceiling fans | |

Also:

Labor and other costs associated with demolishing, removing or altering building components, Overhead and profit

ITEMS TO BE EXCLUDED

| | | |
|--------------------------|-------------------------------------|------------------|
| Plans and specifications | Swimming pools/spas | Docks and davits |
| Survey costs | Screened pool enclosures | Seawalls |
| Permit fees | Sheds | Driveways |
| Landscaping | Gazebos | Decks |
| Sidewalks | Detached structures (incl. garages) | |
| Fences | Landscape irrigation systems | |
| Yard lights | | |

Debris removal (e.g. removal of debris from building or lot, dumpster rental, transport fees to landfill and landfill tipping fees), and clean-up (e.g. dirt and mud removal, building dry out, etc.)

Items not considered real property such as: throw rugs, carpeting over finished floors, furniture, refrigerators, appliances which are not built-in, etc.