

**Floodway Coalition of Houston
Concerns and Recommendations
Regarding the revisions to Chapter 19 Section 43**

- 1. City of Houston is using floodway property owners land for storm water conveyance and storm water storage without compensation.**
- 2. The city passed the revisions to Ch 19 was done without notice to or input from the floodway property owners.**
3. There continues to be reference to land acquisition in developed floodway neighborhoods for detention basins. **Plunging property values will allow the city to acquire floodway property at bargain basement prices. City of Houston Public Works refers to the creation of detention basins located within re-developing neighborhoods. Will these be located on floodway properties? How will the land acquisition occur? How will the property owners be compensated for their land?**
4. **Use the TSARP based 10 year flood plain mapping for regulatory purposes.** The Floodway mapping can be inaccurate and is a poor predictor of repetitive flooders living in flood prone areas. Shady Acres is a good example of that inaccuracy. In areas where floodways have not been studied and determined, the TSARP based 10 year floodplain map should be used for regulatory purpose.
5. **Allow new low/no rise, low impact construction and redevelopment.** It will ensure stable property values. It may be expensive, but that may well help preclude slumming. It will ensure that the individuals most able to financially withstand and recuperate and even evacuate from a flood event will be in these areas. It will prevent the human devastation that occurred in New Orleans. It will prevent slumming. It will preserve neighborhoods and property rights. These neighborhoods will become showcases for green environmentally progressive and sustainable building codes.
6. **The 50% substantial damage clause should be dramatically reduced and reworked.** The value of the structure should be the highest value established by an outside appraiser, whether that is an insurance value or private appraiser. It should not be the HCAD number. Only flood damage should be addressed. As we read it, *current regulations include ALL damage (see definitions listing of the March 2007 Regulations)*. The ten year accumulation should be reduced to per event. Any improvement on structures above the base flood elevation (BFE) should be allowed without a variance request. Encourage, even subsidize, the raising of structures above the BFE. Remove the costs and process of house elevation from the substantial improvement/damage list. This protects lives, property and the increases the floodplain capacity.
7. **In section 19.2 a definition of the "Fringe Zone" adjacent to floodway zone is needed.** Restrictions and regulations for building/expanding in a conveyance zone and fringe zone need to be more clearly defined.
8. **Regulatory blight and slumming is currently occurring.** A task force needs to be established to address this issue.
9. **Compensate floodway property owners at full market value as it was prior to of the CH 19 revisions October 2006.** Explore the ramifications of duplication of the FEMA buyout process and standards.
10. **A Flood and Drainage Fee could well pay for these buyouts** and other infrastructure improvements including subsidized structure elevations. Use these funds to expand the inspection staff at PWKS. There is much chatter that PWKS has insufficient staff to permit and

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subsequently inspect floodway improvements. That chatter also speculates that staffing short fall is one of the drivers for the “no new permits of any sort” position as it is easy to manage.

11. **Institutionalize the variance criteria.** It should not be at the whim of the PWKS employee. They have far too much power over the exercise of floodway property owners’ property rights.
12. **Fix the appeals process.** Currently the appeals board always rubber stamps the PWKS recommendation per their own admission. This means there is no functioning appeal as it is a foregone conclusion that the decision has already been made by PWKS.
13. **Suspend immediately the effects of Ch 19 from those properties removed from the floodway designation.** HCFC is currently correcting mapping anomalies effectively removing many properties from the regulated floodway. PWKS has said that the Ch 19 regulations will still apply to those properties even though they have been removed.
14. **Lobby state and federal lawmakers for scarce monies to invest in flood reduction infrastructure.** This will supplement and hasten the flood reduction projects.
15. **City officials should begin attending the HCFC Initial Stakeholders Group meeting.** This is a feasibility study addressing the cost benefit of providing flood control projects on White Oak Bayou. It is possible that HCFC and the Army Corp of Engineers may decide that it is not worth doing anything to address flooding inside the loop along White Oak Bayou.
16. **Suspend densification** (Chapter 42) in floodplain and floodway areas.
17. **Public recreational facilities such as, but not limited to paved trails, overlooks and boat launches shall be mentioned and allowed in 19.43(b).**
18. **ADA related improvements shall be allowed to existing structures without fees and penalties.** Also mentioned in 19.43(b) or perhaps in a new ADA section of Ch 19.
19. **Establish a Stakeholders group for floodway property owners** so that the city can monitor the effects of the ordinance on its citizens and respond to their issues as the regulations are so onerous.
20. **Establish a FEMA Training for floodway and floodplain property owners** so that they can appeal their designation through LOMAs and LOMARs. Provide training to the PWKS staff as they are uninformed on the process.
21. **Suspend City of Houston taxing for floodway property owners with out any adjustments to the appraised value.** Lobby other taxing entities to do the same.
22. **Stop individual who serve on the “Stakeholders “advisory groups from reaping direct personal and/or financial benefit. At least, require that they give an oral disclaimer of their business dealings with the city whenever they speak in public meetings.**
23. **PWKS refers to the creation of detention basins located within re-developing neighborhoods. Will these be located on floodway properties? How will the land acquisition occur? How will the property owners be compensated for their land?**