

Dear FCOH members:

Last week Mayor White put out a press release concerning the floodway (and floodplain) issue. This memo contains lots of spin; below FCOH will set the record straight. This is a **Call to Action** for each of us to email back or write the Mayor (see below the link to Dann Marro) in response to this press release to rebut these statements as soon as possible.

Feel free to write the Mayor in your own words, but please **write, write, write!** The email link is: Dann.Marro@cityofhouston.net

In your letters and emails to the Mayor, we urge you to ask for at least these 5 things actions:

- 1) **Allow reasonable development of vacant land in the floodway.**
- 2) **Elimination of ten year accumulation of substantial damage and substantial improvement and replace it with FEMA minimum requirements.**
- 3) **If the City continues on this devastating path of property condemnation, full and complete market compensation for all condemnation is mandatory. FEMA, for example, has just and reasonable formulas.**
- 4) **Use accurate historical flood risk maps not inaccurate theoretical maps currently used.**
- 5) **Finally all revisions or significant guidelines must be codified into law.**

Immediately below FCOH sets the record straight. The City press release is located at the bottom of this note

1) **Background**

The press release claims that the cumulative effect of allowing building exceptions contributed to flooding.

FCOH has conducted an engineering study of the impact of considerable new construction of 1,000 new homes on piers in a floodway. The impact was so small it was practically immeasurable. The City actually has not commissioned a similar study but relied on educated guesses. This City's conclusion from educated guesses was a total ban on new construction which resulted in devastating property rights and a real reduction in land values by as much as 94%.

The press release claims that numerous public meetings and hearings were held in 2006.

The fact is that City Ordinance Chapter 19 adversely affects the owners of 105,000 properties (floodway and floodplain) or about 20% of Houston, the 4th largest City in America. The floodway alone has approximately 10,000 properties and probably an equal number of property owners. Despite the availability of the internet and numerous other avenues of modern mass communication, these meetings were NOT publicized.

The press release claims that if a home or business is destroyed by acts of God the property can be rebuilt.

The Ordinance (Chapter 19) specifically does not allow for reconstruction of substantially damaged structures. The “Guidelines” to the Ordinance have some provisions, but the Guidelines are not the law and are subject to change overnight.

2) Who is in the floodway and who makes that decision?

The FEMA maps were accepted by the City to use in interpreting which property owners are specifically impacted by the Ordinance. Mathematical modeling was used to create these maps and determine where the floodway lines were drawn despite the fact that maps are in existence that more accurately track actual historical flooding. But the City chose to reject these historical flood maps.

3) How can the City reduce flooding?

This one is almost unbelievable. Yes. FCOH agrees that the revisions to Chapter 19.43 were key to the City of Houston reducing its Community Rating System (CRS) which resulted in a \$5 Million dollar savings in FEMA flood insurance premiums for approximately 140,000 property owners. On average, this is about **\$36 per year in savings**. However these savings were obtained to the detriment of the 10,000 floodway properties which suffered a tremendous drop in value. Land values dropped as much as 94%. This fact was confirmed by the Harris County Appraisal District. Improved properties have also suffered huge losses in value. The floodway properties and owners were clearly sacrificed for the modest city-wide flood insurance premium reductions.

Floodway Coalition of Houston

Mayor White’s Press Release during the week of March 17th, 2008:

Dear Houstonian,

Many people living in the floodway have had questions about actions taken by City Council related to development in the floodway.

Background

Since 1968, Houston has prohibited construction in the floodway. In 1985, the City of Houston changed the law to allow exemptions. More than 20 years after the exemptions were allowed, engineers show that the cumulative effect of allowing individual building exceptions contributed to flooding. Currently, individual engineering analyses cannot accurately calculate the overall negative effects on our storm water conveyance.

After numerous public meetings and hearings in 2006 City Council voted unanimously to close the loophole and not allow construction on unimproved property located in the floodways. The City does, through the issuance of building permits, allow existing businesses and homes in the floodway to add on a room, be improved, remodeled, renovated, or even increase a structure's square footage. If a home or business is damaged or destroyed by fire, storms, or other acts of God, citizens can repair or rebuild it and increase the footprint of the previous structure provided it meets current building codes.

Who is in the floodway and who makes that decision? FEMA, working with the Harris County Flood Control District, uses the best available hydrologic and hydraulic modeling and mapping technology, and develops federally approved floodplain and floodway maps. The City's regulations are based on these maps. FEMA's maps are updated due to many factors such as the correction of errors, widening and deepening of bayous and tributaries, new development, subsidence, and improvement of storm drainage infrastructure.

How can the City reduce flooding? The City's recent work to reduce flooding has resulted in real-world savings for Houston property owners through upgrades in the National Flood Insurance Program's Community Rating System. These upgrades have saved homeowners millions of dollars in lower flood insurance premiums. We have invested \$250 million in drainage improvements already completed or under way, and plan to invest a similar amount over the next 5-year Capital Improvement Plan cycle from FY09 through FY13, with no new fees. Also, Council enacted new ordinances prohibiting the placement of construction fill into the floodway, requiring an increase in the diameter of new drainpipes, and strengthening development regulations for new subdivisions.

To repeat, the action taken by City Council continues to allow businesses and homeowners in our floodways to have options for their property when it is damaged or destroyed. People can maintain and improve their existing structures. We are considering alternatives for those with vacant lots within the floodways to balance the interests of landowners and the public.

For more information on the requirements and answer frequently asked questions about Chapter 19, the City's Floodplain regulations please see http://www.publicworks.houstontx.gov/documents/flood_plain.htm. For questions or comments regarding these ordinances, please email Public Works and Engineering at Dann.Marro@cityofhouston.net.

Sincerely,

Bill White
Mayor