

SONOMA COUNTY FLOOD ELEVATION MITIGATION PROGRAM

PROGRAM DESIGN

I. INTRODUCTION

A. Purpose & Objectives:

1. The purpose of the Sonoma County Flood Elevation Mitigation Program is to mitigate potentially hazardous conditions involving residential properties within Sonoma County which are subject to flooding.
2. The primary objective of the Program is to provide safe housing for residents of Sonoma County through the elevation of properties which are subject to flooding during storms.
3. The secondary objectives of the Program are: 1) to perform other elevation-related measures which may be required for properties subject to flooding during storms; and 2) to perform other elevation-related repairs required by applicable codes, regulations and standards.

B. Authority:

1. This Program Design containing the policies which form the framework for the Sonoma County Flood Elevation Mitigation Program has been adopted by the Sonoma County Board of Supervisors. No revisions may be made hereto without the express action of the Board.
2. The Sonoma County Community Development Commission (SCCDC) is the designated authority to implement the Flood Elevation Mitigation Program.

II. ELIGIBILITY

- A. No member of the governing body of the County of Sonoma or the SCCDC and no other official or employee or agent of the County government or SCCDC who exercises any policy decision-making functions or responsibilities in connection with the planning and implementation of the Flood Elevation Mitigation Program shall directly or indirectly be eligible for assistance under the Flood Elevation Mitigation Program.

B. Eligible Properties, Ownership & Residency:

1. Owner-occupants of single-family properties and mobile homes, and investor-owners of single-family and multiple-unit rental properties, will be eligible for assistance.
2. The applicant must be the legal owner of the real property, and the registered owner of the mobile home, if applicable, to be assisted.
3. The applicant must own and occupy the property as his or her principal residence or rent the property to tenants as permanent, year-round residences.
4. Owners of residential property as described above are eligible for flood elevation assistance regardless of the income level of the occupants of the property.
5. Properties must be located within the unincorporated areas of Sonoma County to be eligible for assistance.
6. Properties located in the regulatory floodway or on federal leased land are not eligible for assistance.
7. Structures to be elevated must have existed prior to the 1995 disaster declaration date and must have been located at the present location since that date.
8. Secondary residences (e.g. summer homes and guest cottages not used as permanent, year-round dwellings) are not eligible for assistance. The structure to be elevated must have been a primary residence at the time of the 1995 floods and must continue to be a primary residence after elevation.
9. Properties which have been rehabilitated previously through a SCCDC rehabilitation grant or loan are eligible for assistance under the Flood Elevation Mitigation Program.
10. All properties must be elevated at least 1 foot above the 100-year base flood elevation (BFE) and must be able to comply with all applicable local, state or federal codes, ordinances and standards upon the completion of the work. All elevations must be designed to withstand depth and velocity standards for 100-year flood events and must meet seismic criteria for new construction regardless of local codes. An elevation certificate will be required upon completion of elevation.

- C. Displacement: Rental property owner(s) shall provide certification of the following:
1. The proposed rehabilitation work will not cause permanent displacement of any of the current tenants residing at the project.
 2. No tenant has been, nor will be, forced to move permanently from the project so that the project may qualify for flood elevation assistance.
- D. Rental Property Grant Conditions: The rental property owner must agree to and abide by the following requirements:
1. If temporary relocation of tenants is required during the flood elevation work, the owner shall be responsible for locating comparable temporary housing which is suitable, decent, safe and sanitary.
 - a. The owner shall be responsible for paying all reasonable out-of-pocket expenses incurred by the tenants in connection with the temporary relocation including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility costs at such housing.
 - b. The owner shall deposit sufficient matching funds into an escrow account to fully cover the estimated temporary relocation costs of the project. The SCCDC shall issue payments from the escrow account to the tenants, or to the owner if payment has already been made to the tenants, for reimbursement of all reasonable out-of-pocket relocation expenses incurred.
 2. Rent levels after flood elevation work shall not exceed the following:
 - a. Occupied Units: For units which are occupied prior to the flood elevation work, the tenants' initial rent after project completion, including the estimated average monthly utility costs, may not exceed the greater of a) their current rent/average utility costs, or b) 30 percent of their average monthly gross household income. In no event shall the maximum rent, not including utilities, exceed the fair market rent for Sonoma County which shall be determined as set forth below.
 - b. Vacant Units: The initial monthly rent for units which are vacant prior to flood elevation work shall not exceed fair market rent for Sonoma County. The fair market rent shall be determined by the SCCDC Director or her designee and shall be set forth in the "Sonoma County Fair Market Rent Notice" published and periodically updated by the SCCDC.

3. The owner shall not discriminate in the rental of any units on the basis of race, color, national origin, religion, sex, familial status or handicap.
4. The owner shall maintain the property in good condition and shall not convert the property from rental residential to any other use.

III. ELIGIBLE IMPROVEMENTS and COSTS

A. Eligible Improvements and Costs:

1. All improvements necessary to elevate the property and elevation-related repairs to meet applicable codes and ordinances are eligible for assistance.
2. Improvements must be of a permanently fixed nature.
3. Eligible costs include: Disconnection of all utilities; installation and removal of beams for lifting the house; cribbing for a raised house while foundation is being built; building of the foundation so that the lowest floor is 1 foot above BFE; lowering the house onto new foundation; seismic retrofitting of the elevated foundation including attachment of the building to that foundation; reconnecting of utilities - extending lines and pipes if necessary; elevating all utilities and service equipment (hot water heater, furnace, outlets for electricity, etc.) and providing meter reader access if necessary.
4. Additions to the habitable space of the structure will be eligible for assistance only as noted below:
 - a. Construction of a utility room above BFE may be eligible only if there is not existing space within the house or if there is no other more cost effective way to elevate the utilities. If space must be constructed, it will be no greater than 100 sq. ft.
 - b. Elevation of an existing deck, porch, or stairs; or construction of a new set of steps to access the elevated living space as per minimum code requirements.
 - c. Where owners, members of the owner's family or tenants of a rental property are physically disabled, a physician's written confirmation will be required before access facilities will be provided as part of the elevation. Multiple access facilities shall be eligible for funding if necessary for compliance with local codes and standards. Where a ramp is to be used to provide access, it shall be designed to meet federal standards for slope and width.

Where ramps are not technically feasible, a mechanical chair lift may be installed. Such an installation should be on interior access stairways where possible, subject to local codes.

5. Funds will be provided to replace, restore or repair the structure only as noted below:
 - a. Where structures (containing an attached garage) will be elevated so as to provide at least 8 feet (or as defined by local codes and standards) of clear space, the garage may be moved under the structure, utilizing a pervious surface and complying with other requirements to ensure hydrostatic equalization subject to local codes, and must be used only for parking or storage in accordance with local floodplain management ordinances and National Flood Insurance Program (NFIP) criteria.
 - b. Repair to the foundation is eligible only if it is necessary for the safe elevation of the structure.
 - c. Replacement of termite damaged or dry rotted wood framing members are eligible costs whenever associated with the elevation, or required for recommended seismic bolting or bracing.
 - d. Minimum costs of exterior sheathing associated with what was damaged or removed during the elevation process only. Exterior finish must meet NFIP flood resistant materials and must meet local codes.
6. Insulation for pipes only if required by local codes and standards.
7. Seismic upgrades per local and/or state codes as required, including bolting structure to foundation, and cripple walls.
8. Temporary housing expenses for owner-occupants during the period that the house is uninhabitable while the house is being elevated may be an eligible expense. Temporary housing expenses will be reimbursed on actual receipts only and will be limited to the rates set by FEMA.
9. Rough grade of yard and seeding of grass if damaged by equipment during the elevation process or where the elevation action affects slopes, stabilization of the structure or surrounding structures.

10. Required project soft costs including engineering, soils tests, pest reports, site surveys, permits, etc. are eligible for reimbursement, provided that these costs are not incurred until after receipt of environmental clearance from FEMA, SCCDC and the California State Office of Emergency Services (OES).

B. Ineligible Improvements and Costs:

1. Funds may not be used to elevate a masonry chimney. If a fireplace is the sole source of heating, funds will be used to purchase and install the least expensive heating system adequate to meet the minimum local code requirements.
2. HVAC systems cannot be expanded or increased in size and capacity unless the owner pays such costs beyond the HVAC's capacity to service the square footage of the original pre-disaster structure.
3. Where existing underground utility lines have deteriorated, or do not meet code requirements, additional costs to repair such facilities shall not be eligible for reimbursement.
4. An elevation that was begun or completed prior to completion of the FEMA environmental review and prior to the applicant's receipt of written approval of the project for funding is ineligible for assistance.
5. A new structure which replaces a structure damaged by the 1995 flood will not be eligible for funding.
6. Costs for auxiliary (refer to local codes for definition) structures are not eligible.
7. Costs to elevate higher than the standard of 1 foot above BFE are not eligible.
8. Repairs, rehabilitation, additions, expansions, or elevations of appurtenances are ineligible except as noted above.
9. Landscaping costs are ineligible except as noted above.
10. Elevations within an acquisition area designated by Sonoma County are not eligible for funding.
11. Construction of decks or porches whether or not they existed prior to the flood or the elevation, except those that must be removed in order to do the elevation properly or except as noted above.

12. The costs to make improvements in cases where existing floor systems have been inadequately designed or constructed with undersized materials are not eligible for assistance.
 13. Costs for replacement of utility service components which are undersized, of inadequate capacity, or are unsafe are ineligible unless directly related to the action of elevating (i.e. well pumps).
 14. New furnaces are ineligible except as noted above.
- C. The costs to perform the eligible improvements described above will be considered to be eligible project costs as long as they do not exceed the \$39,333 per structure cap imposed by FEMA. Any exceptions to the FEMA cap must be approved by the SCCDC, OES and FEMA.
- D. All work funded in whole or in part by the SCCDC is subject to the permit processes of the State and County.
1. All work must be done according to standards acceptable to the Sonoma County Permit and Resource Management Department (PRMD) and/or the State of California Department of Housing and Community Development.
 2. The proper permit(s) shall be obtained for all work which requires such permit(s). The cost of permits may be part of the grant.
- E. If additional work is required by PRMD or other County Department as a condition of permit issuance, and if such work is not listed as eligible above, the owner will be required to provide matching funds equal to the amount of the cost to complete the required work.
- F. In no event shall the SCCDC approve grants for work if it does not determine that the structure is physically sound and capable of being raised safely or if the property is in violation of any applicable code or ordinance of the State and/or County unless such violations are corrected as a result of the work paid for by the Flood Elevation Mitigation Program assistance and owner's matching funds.
- G. The SCCDC shall not approve grants for work required to repair a condition for which the applicant has received, or will receive, an insurance settlement or funds from another source (such as SBA) to pay for the repair except to augment the insurance or other funds in cases where such funds are insufficient to make the required repairs in compliance with all applicable codes or ordinances.

- H. "Self-Help" work by the owner and/or occupant may not be a part of the contract or grant. No "volunteer" assistance is allowed primarily for liability reasons.
- I. Grant applicants will be advised of other applicable funding sources as appropriate.

IV. GRANT PROCEDURES

A. Application Process:

1. All applicants will complete an application and furnish SCCDC staff with all required verifications. The information in the application will be used to determine the applicant's initial eligibility in the areas of ownership, residency, property type, location and availability of matching funds.
2. **All property owners shall sign a statement acknowledging that they are making their property available for public funding for elevation and they understand that this could expose them to partial or total loss of use through code enforcement should the project fail to be completed.**
3. After initial eligibility has been established, a thorough inspection of the property will be carried out by SCCDC staff. If necessary, additional tests and/or inspections by third parties will be conducted. A rough scope of work and cost estimate will be developed based on the inspection(s), tests and consultation with the property owner.
4. After review and acceptance of the rough scope of work and cost estimate by the owner, SCCDC staff will submit the application for approval.

B. Grant Approval: The SCCDC shall not discriminate in the provision of financial assistance because of race, color, national origin, religion, sex, familial status or handicap.

1. Property taxes and mobile home registration fees must be current in order for an applicant to be considered for a grant.
2. Flood insurance in an amount sufficient to cover the value of the improvements will be required for all properties located in a Special Flood Hazard Area (100-year floodplain). The SCCDC shall receive annual renewal notices for all flood insurance policies.

3. Each application will be summarized and a recommendation for grant approval or disapproval will be made to the SCCDC's Director or her designee. The recommendation will include the maximum recommended grant amount and the required level of matching funds.
 - a. FEMA funds may be granted to pay for eligible project costs not to exceed the \$39,333 per structure cap imposed by FEMA. Any exceptions to this cap must be approved by the SCCDC, OES and FEMA.
 - b. If the estimated cost to complete all repairs exceeds the eligible project costs as defined in section III.C, or if the County will require additional repairs as a condition of permit issuance, the property shall not be eligible for assistance unless the owner provides matching funds sufficient to cover the difference between total project costs and eligible project costs.
 - c. If, after the 1995 federal disaster declarations, a property owner received federal disaster assistance grants, SBA disaster loans, or NFIP settlements that were designated for repair or elevation of a structure, the owner must provide evidence (e.g. receipts) that the funds were expended for the intended purpose. If evidence cannot be provided, the amount of prior federal assistance for these purposes will be deducted from the available FEMA elevation funds for the structure.
 4. The SCCDC Director or her designee will make the final decision on each application.
 5. Discretion of SCCDC Staff: It shall be within the purview of the SCCDC Director or her/his designee, to approve or disapprove any grant application at any stage of processing through any formal or informal action which is consistent with fair housing lending procedures.
- C. Priority for Funding: All properties which appear to be eligible for participation in the Flood Elevation Mitigation Program will receive a prioritized ranking using the Screening and Selection Criteria attached hereto as Exhibit A. The highest scoring properties will receive the highest priority for funding. Properties will be considered for FEMA assistance in the order of highest priority to lowest priority as long as funds are available.
- D. Competitive Bidding: After a grant is approved, SCCDC staff will prepare a detailed Scope of Work for all repairs and improvements to be funded through the flood elevation grant and matching funds and will coordinate the competitive bidding process to obtain fixed-price bids from qualified, licensed contractors.

1. The SCCDC shall determine whether a contractor is "qualified" through a pre-screening process. All contractors must submit a contractor application on the required forms to the SCCDC at, or prior to, the time of submitting their first bid. The SCCDC will verify the contractors' license, insurance, credit and work references and will determine that a contractor is qualified to work on SCCDC jobs.
 - a. All contractors must be licensed and in good standing with the California Contractors State License Board.
 - b. All contractors will be required to provide a 100% performance bond and evidence of insurance coverage sufficient to satisfy the requirements of the SCCDC's standard Contract for Rehabilitation of Property.
 - c. If necessary, the SCCDC may remove contractors from the "qualified" list. Reasons for such action include but are not limited to: 1) their license is suspended, canceled or revoked; 2) they fail to maintain the required insurance coverages; 3) they fail to comply with the provisions of the Contract for Rehabilitation of Property; or 4) there are documented problems or complaints received from property owners and/or the SCCDC's housing rehabilitation specialists regarding their behavior or work performance.
2. Whenever possible, at least three bids will be obtained for each project. The property owner may select any responsible contractor whose bid does not exceed 110% of the SCCDC's in-house cost estimate.

E. Grant Documents:

1. Grant Agreement: After selection of the contractor by the property owner, SCCDC staff will prepare a Grant Agreement detailing the rights and responsibilities of the property owner, the SCCDC and the County. The applicant shall execute the Grant Agreement prior to work commencing on the job.
2. Deed Restriction: Owners of structures to be elevated must execute a deed restriction, prior to start of construction, that restricts future use of the area under the elevated first floor to parking and temporary storage only, in conformance with NFIP Flood Plain Management ordinances; and stipulates the requirement for flood insurance for as long as the building remains in a Special Flood Hazard Area (100-year floodplain).

3. All owner matching funds, in the form of a money order, certified check or bank check, shall be deposited in the SCCDC's rehabilitation escrow account at grant signing for disbursement to the contractor, or in payment of other project costs, on behalf of the property owner.

F. Construction Contract: The SCCDC will coordinate contracting for all work funded through the flood elevation grant and matching funds, manage the contracts, inspect the work and approve and disburse payments utilizing grant funds and matching funds from the owner's rehabilitation escrow account.

1. The contract for the flood elevation work will be executed by the owner and the contractor. The SCCDC will provide the contract form.
2. The contract's Scope of Work will include only eligible improvements as listed above and any work required by the County as a condition of permit issuance. No other work may be included in the contract.
3. The SCCDC shall assist the owner in the control, supervision and direction of the work to be performed under the contract. A copy of all written communications between the owner and the contractor must be sent to the SCCDC. In the event of any dispute between the owner and the contractor, the SCCDC shall attempt to resolve the dispute.
4. Alterations to the services to be provided under the contract and amounts to be paid pursuant to the contract may be made only by written agreement by and between the owner and the contractor and only upon written approval of the SCCDC. Such agreement and approval shall be on a form prescribed by the SCCDC. No payment shall be made for any work performed without the prior written approval of the SCCDC.
5. During the period of performance of the contract, the owner shall not enter into any additional agreements with the contractor, whether written or verbal, without the written approval of the SCCDC. The purpose for this requirement is primarily to prevent confusion and loss of adequate and appropriate control, supervision and direction of the work to be performed under the contract.
6. SCCDC staff will inspect each project during construction to assure that work is progressing in a timely manner and that it is being carried out in accordance with the Scope of Work. Such work will be carried out with the property owner's full participation, cognizance and consent.

- a. Phase inspections will be made by the SCCDC prior to the disbursement of payments to the contractor. Any work requiring a building or other permit must also have written approval by the State and/or County building inspector. Upon completion of all work, the County must certify that the elevation is in compliance with local ordinances and with NFIP ordinances.
 - b. The owner must accept all work before payment may be authorized, except payment awarded by arbitration or legal judgment.
 - c. Acceptance of Work: In the event of any dispute between the owner and the contractor concerning the completion of flood elevation work, the SCCDC Director or her designee shall exercise authority.
6. Upon satisfactory completion of all work contained in the contract's Scope of Work, the property owner shall sign the Notice of Completion which shall be recorded in the Sonoma County Recorder's Office.
 7. The SCCDC's signature on the final phase inspection form signals the commencement of the retention and warranty periods.
- G. Disposition of Funds Statement: Once a project is completed and all funds have been disbursed, the property owner will receive a letter from the SCCDC indicating the disposition of the grant proceeds and any matching funds.

I HAVE READ AND UNDERSTAND THE INFORMATION PRESENTED IN THE 1997 PROGRAM DESIGN FOR THE SONOMA COUNTY FLOOD ELEVATION MITIGATION PROGRAM.

Date

Property Owner Signature

Date

Property Owner Signature