



**FEMA**

September 25, 2007

Mr. Bruce A. Funk  
Zoning Official  
CRS Director  
Borough of Longport  
Construction Code Enforcement  
Longport, New Jersey 08403-1103

Dear Mr. Funk:

This letter is in response to your letter of August 29, 2007 in which you asked for clarification on the status of the Borough's Local Flood Damage Prevention Ordinance and its relationship to the New Jersey Building Code and Rehabilitation Subcode. You included an enclosure with your letter, which was a copy of a May 17, 2007 letter from Jack A. Boekhout, Building Construction Codes Consultant, in which he referenced numerous sections of the State Building Code and essentially stated that the Building Codes supersedes the Local Flood Damage Prevention Ordinance.

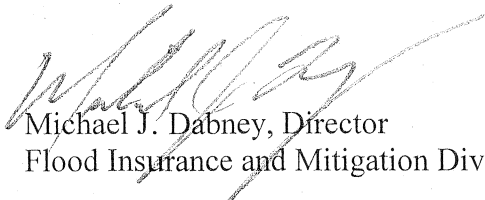
Mr. Boekhout's evaluation in that respect is not correct. The Building Code and Rehabilitation subcode do not "supersede" the Local Flood Damage Prevention Ordinance. In essence they are complimentary in that the Local Flood Damage Prevention Ordinance is viewed by the Building and Standards Division of the New Jersey Department of Community Affairs (DCA) as "land-use" regulations, which are not in conflict with the Rehabilitation Subcode. Further DCA expects Code Enforcement Officials to assure that all floodplain development standards are met before issuing a construction permit.

FEMA provides flood insurance to property owners and renters in communities that adopt and enforce local floodplain management regulations. In New Jersey, new construction standards for floodplain construction are included in the building code as well as the local flood ordinance and in that situation, strict adherence to the building code does ensure that the local standards are being enforced – they are the same. The issue of enforcing the Local Flood Damage Prevention Ordinance arises when buildings are being rehabilitated, repaired or improved and the threshold cost of the work equals or exceeds 50% of the fair market value of the building. The Local Flood Ordinance must be enforced and such enforcement does not conflict with the building code or rehabilitation subcode.

We are enclosing correspondence and email communication between FEMA, the New Jersey Attorney General's Office and the NJDCA that provide specific information on the consequences of nonenforcement of Local Flood Damage Prevention Ordinances and the agreement between DCA and FEMA on the expectations and procedures for enforcement.

I hope this information is of assistance. If you have questions or need additional information, please contact Mary Colvin, Chief, Community Mitigation Programs Branch at 212-680-3622.

Sincerely,



Michael J. Dabney, Director  
Flood Insurance and Mitigation Division

Enclosures: (4)

cc: John H. Moyle, P.E., NFIP Coordinator  
SHMO @ NJOEM  
ASFPM  
Mike Graham