



FEMA 50% RULE – SUBSTANTIAL IMPROVEMENT / DAMAGE APPLICATION PACKET

NOTICE TO PROPERTY OWNERS

Rebuilding or repairing your home or business after the storm? Adding on, renovating, or remodeling your home or business? Here's information YOU need to know about the FEMA 50% Rule.

Manatee County has floodplain management 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. These laws are required by the National Flood Insurance Program (NFIP) to protect your lives and investments from future flood damages. The County must adopt and enforce these laws in order for federally subsidized flood insurance to be made available to all County residents and property owners.

**Save yourself time, aggravation and money!
Please read the following information carefully**

SUBSTANTIAL DAMAGE shall mean damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) per cent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) per cent of the market value of the structure before damage occurred.

SUBSTANTIAL IMPROVEMENT shall mean any combination of reconstruction, addition, repair, rehabilitation, alteration, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds fifty (50) per cent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the certificate of completion or the certificate of occupancy of the first improvement or repair of that building or structure subsequent to January 1, 2014. If substantial demolition is proposed, the structure shall be considered substantially improved. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

All repairs and improvements must be permitted through Manatee County Development Services for properties subject to the Substantial Improvement/Damage review.

If a building is "substantially damaged" or "substantially improved" it must be brought into compliance with flood damage prevention regulations, including elevating the building to Flood Protection Elevation (FPE) (Base Flood Elevation(BFE) +1') or to the Design Flood Elevation (DFE), whichever is higher. Likewise, all electrical and mechanical equipment (heating and cooling, etc.), bathrooms and laundry rooms must be elevated as well or removed from the flood hazard area. Only parking, building access and limited storage is allowed below the flood level. Nonresidential buildings may be "dry flood-proofed" instead of being elevated. Building permits are required for elevating the structure, if necessary.

REVIEW PROCEDURE

Manatee County, following National Flood Insurance Program (NFIP) requirements, has the responsibility to determine “substantial damage” and “substantial improvement” and has implemented the following procedures to do so:

1. If you plan to improve or repair an existing structure that is located within a special flood hazard area (i.e. Zones A, AE, VE) an Elevation Certificate or an elevation survey indicating the Lowest Habitable Floor or Finished Floor Elevation (FFE) of the existing structure shall be provided in order to determine if Substantial Improvement/ Substantial Damage regulations apply.
 - a) If the FFE, electrical, plumbing and mechanical equipment are at or above the current Flood Protection Elevation (FPE), the building can be repaired or improved, and the FEMA 50% Rule will not apply. An Elevation Certificate will be required to show you are compliant prior to the start of work and then a second, new final EC will be required at the end of the project showing that after the work is done you are still compliant.
 - b) If the FFE, electrical, plumbing and mechanical equipment are below the current BFE, then the FEMA 50% Rule will apply.
2. If it is determined that the FEMA 50% Rule applies, then we will estimate Market Value by using the tax assessment value of your structure (excluding the land and features). If you disagree with this estimate of Market Value, you may hire a state licensed appraiser and submit a certified property appraisal. The best approach to use is the cost approval to value appraisal which will include the depreciated value of the structure. The depreciated value of the structure will be used as the market value. The appraisal must be certified no more than 12 months from the time of application and its intended use must be for Manatee County Development Services to determine market value for the FEMA 50% Rule. The appraisal can only include the building and not any accessory structures, docks, etc.
3. You must submit to us 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 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 with your application. If the owner is acting as his or her own contractor, the owner is responsible for submitting the cost estimate, and providing documentation, including subcontractor bids, to document the cost estimate. Where non-reimbursed (volunteer) labor is involved, including homeowner labor, the value of the labor should be estimated based on applicable minimum hourly wage scales for the type of construction work to be completed.
4. All signed contracts, subcontractor quotes, material quotes, etc. must be submitted with application as indicated on FEMA cost breakdown sheets including all materials donated and/or bought that will be used for the structure’s improvement.
5. We 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.

IMPORTANT NOTE ON DONATED MATERIALS & VOLUNTEER LABOR

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 labor should be equal to the actual or estimated labor charge for repairs of all damages sustained 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. Our Building Official based on his/her professional judgment and knowledge of local/regional wage scales can provide additional guidance to determine reasonable labor rates for professional trades (i.e. electricians, plumbers, block masons, framers, etc.).

Contractor, Subcontractor & Owner Bids/Estimates Required: Current Owner labor is \$30/hr

1. Copy of detailed cost breakdown between the owner and the general contractor must be provided
(If permit is applied for by an owner – owner/builder is exempt from this requirement but must complete all of the pages of this document including pgs 13-17)
2. All subcontractor bids must include the following information: Date, Address of Project, Specific Scope of Work and Trade, Total Cost of Project which must specify the following: Labor Only, Materials Only, Labor and Materials
3. Subcontractor bids for the following trades are a mandatory requirement: Mechanical, Plumbing, Electrical & Roofing
4. All other subcontractor bids can be utilized and must include the above information in place of a general contractor estimate or owner estimate
5. All materials provided by the General Contractor or Owner must include a price quotation by the vendor or manufacturer and must include the following information: Date, Address of Project, Specific Scope of Work and Trade, Total Cost of Project

A list of items to be included and excluded from the Substantial Improvement / Substantial Damage review and a checklist are found on pages 4 and 5 of this packet.

NOTE: This package is intended to be an informational guide to the Substantial Improvement / Substantial Damage review process. There may be additional information and documentation required based on individual circumstances.

If you have any additional questions, please contact flood@mymanatee.org for assistance.

SUBSTANTIAL IMPROVEMENT / SUBSTANTIAL DAMAGE REVIEW

ITEMS TO BE INCLUDED IN ESTIMATING COST:

All structural elements including but not limited to:

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

All interior finish elements, including but not limited to:

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

All utility and service equipment, including but not limited to:

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

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

SUBSTANTIAL IMPROVEMENT / SUBSTANTIAL DAMAGE REVIEW

ITEMS TO BE EXCLUDED:

- Plans and specifications
- Survey costs, and
- Permit fees.
- 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 stoves not built-in, etc.

Outside improvements, including:

- Landscaping
- Sidewalks
- Fences
- Yard lights
- Swimming pools
- Screened pool enclosures
- Sheds
- Gazebos
- Detached structures (including garages), and
- Landscape irrigation systems.



CHECKLIST OF ITEMS REQUIRED TO EVALUATE YOUR APPLICATION FOR SUBSTANTIAL DAMAGE / IMPROVEMENT

APPLICANT MUST SUBMIT ALL OF THE FOLLOWING:

- Completed and signed **Application for Substantial Improvement or Substantial Damage Review** (included in this package).
- Elevation certificate or elevation survey** indicating the building's Lowest Habitable Floor or Finished Floor Elevation (FFE). (Only required if over 50%, otherwise optional for submittal)
- Substantial Improvement Disclosure Form** signed, notarized and dated (included in this package).
- Property Owner's Substantial Damage or Substantial Improvement Affidavit** signed, notarized and dated (included in this package).
- Contractor's Substantial Damage or Substantial Improvement Affidavit** signed, notarized and dated (included in this package). (Homeowner should fill out if they are acting as their own contractor)
- Estimated Cost of Improvement or Reconstruction form** (included in this package) and all required backup. Include subcontractor's bids and itemized cost lists (**see footnotes on Estimate Cost Form**).
- Copy of construction itemized cost breakdown, subcontractor quotes, and materials quotes**



**Manatee County
Building & Development Services**

Substantial Improvement Disclosure Form

Permit Number _____

(PLEASE PRINT)

Owner: _____ Date: _____

Contractor: _____ Flood Zone: _____

Job Address: _____ Base Flood Elevation: _____

Parcel ID: _____ Flood Protection Elevation: _____

Contract Price: _____ Fair Market Value: _____

This disclosure is to comply with substantial improvement as defined in 44 Code of Federal Regulations 59.1: any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement.

Owner and contractor agree that the total scope and cost of this project shall not be increased in any manner without the express written consent of Manatee County Building and Development Services. Further acknowledgment is made that any increase may require the entire structure to comply with current Manatee County flood regulations and applicable building codes.

I fully understand all additional defects, reconstruction costs, damage, and/or unforeseen repairs (i.e., termite damage, deteriorated wood) occurring in this project may trigger the requirement for total compliance with flood regulations of this structure.

Owner's Signature: _____

Contractor's Signature: _____

STATE OF FLORIDA – Manatee County
The foregoing instrument was acknowledged before me
this _____ day of _____ 20 _____
by _____, who is
personally known to me or who has produced,
_____ as
identification and who did/did not take an oath.

STATE OF FLORIDA – Manatee County
The foregoing instrument was acknowledged before me
this _____ day of _____ 20 _____
by _____, who is
personally known to me or who has produced,
_____ as
identification and who did/did not take an oath.

**MANATEE COUNTY
PROPERTY OWNER'S**

1-YEAR Cumulative Disclosure Form

Ordinance Sec. 2-10-26 (b)

SUBSTANTIAL IMPROVEMENT. Any combination of repair, alteration, reconstruction, rehabilitation, addition or improvement of a building or structure reconstruction, addition, repair, rehabilitation, alteration, or other improvements, taking place during a 1-year period, the cumulative cost of which equals or exceeds the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1-year period begins on the date of the certificate of completion or certificate of occupancy of the first improvement or repair of that building or structure subsequent to January 7, 2014. If substantial demolition is proposed, the structure shall be considered substantially improved. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

STATE OF _____

COUNTY OF _____

Before me this day personally appeared _____, who, being duly sworn, deposes and says that he/she has read, understands, and agrees to comply with all the aforementioned conditions.

Property Owner's Signature

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____ 20__, by _____, who is personally known to me or has provided the following identification _____. Expiration date _____ and who did/did not take an oath.

Notary Public

**MANATEE COUNTY
APPLICATION FOR SUBSTANTIAL DAMAGE
OR SUBSTANTIAL IMPROVEMENT REVIEW**

Permit Application Number: _____

Property Address: _____

Property Owner's Name: _____

Property Owner's Address: _____

Property Owner's Phone No: _____

Contractor's Name: _____

Contractor's License No: _____

Contractor's Address: _____

Contractor's Phone No: _____

FEMA Flood Zone(s): _____ Base Flood Elevation (BFE): _____

Lowest Habitable Floor or FFE: ** _____ (excluding the attached garage)

***In most cases the lowest habitable floor elevation or FFE is found in Item C2a of the Elevation Certificate.*

CHECK ONE OF THE FOLLOWING:

- I am attaching a State Certified Appraiser's report of the property.
- I am not attaching a State Certified Appraiser's report and I accept the use of the valuation of the property that has been recorded by the Manatee County Property Appraiser's Office.

SIGNATURES:

Property Owner: _____ Date: _____
Signature

Printed Name

Contractor: _____ Date: _____
Signature

Printed Name

**MANATEE COUNTY
PROPERTY OWNER'S
SUBSTANTIAL DAMAGE OR SUBSTANTIAL IMPROVEMENT AFFIDAVIT**

Property Address: _____

Property Owner's Name: _____

Property Owner's Address: _____

Property Owner's Phone No: _____

I hereby attest that the list of work and cost estimate submitted with my Substantial Damage or Substantial Improvement Application reflects ALL OF THE WORK TO BE CONDUCTED on the subject structure including all additions, improvements and repairs and, if the work is the result of Substantial Damage, this work will return the structure at least to the "before damage" condition and bring the structure into compliance with all applicable codes. Neither I nor any contractor or agent will make any repairs or perform any work on the subject structure other than what has been included in the attached list.

I UNDERSTAND THAT I AM SUBJECT TO ENFORCEMENT ACTION, WHICH MAY INCLUDE FINES, IF ANY INSPECTION OF THE PROPERTY REVEALS THAT I, OR MY CONTRACTOR, HAVE MADE REPAIRS OR IMPROVEMENTS NOT INCLUDED ON THE ATTACHED LIST OF REPAIRS OR THE APPROVED BUILDING PLANS. I FURTHER ACKNOWLEDGE THAT ANY INCREASE IN THE SCOPE OF WORK OF WHAT WAS APPROVED MAY REQUIRE THE ENTIRE STRUCTURE TO COMPLY WITH CURRENT MANATEE COUNTY REGULATIONS AND APPLICABLE BUILDING CODES.

TOTAL COST \$ _____

STATE OF _____

COUNTY OF _____

Before me this day personally appeared _____, who, being duly sworn, deposes and says that he/she has read, understands, and agrees to comply with all the aforementioned conditions.

Property Owner's Signature

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____ 20__, by _____, who is personally known to me () or has provided the following identification _____.
Expiration Date: _____ and who did/did not take an oath. .

**MANATEE COUNTY
CONTRACTOR'S
SUBSTANTIAL DAMAGE OR SUBSTANTIAL IMPROVEMENT AFFIDAVIT**

Property Address: _____

Contractor's Name: _____

Contractor's License No: _____

I hereby attest that I, or a member of my staff, personally inspected the subject property and produced the attached itemized list of repairs, reconstruction and/or remodeling which are hereby submitted for a Substantial Damage or Substantial Improvement Review. The list of work contains ALL OF THE WORK TO BE CONDUCTED on the subject property. If the property sustained Substantial Damage, this list of work will return the structure to at least its condition prior to damage and bring the structure into compliance with all applicable codes. I further attest that all additions, improvements or repairs proposed for the subject building are included in this estimate and that neither I nor any contractor or agent representing me will make any repairs or perform any work on the subject structure other than what has been included in the attached list.

I UNDERSTAND THAT I AM SUBJECT TO ENFORCEMENT ACTION, WHICH MAY INCLUDE FINES, IF ANY INSPECTION OF THE PROPERTY REVEALS THAT I, OR MY CONTRACTOR, HAVE MADE REPAIRS OR IMPROVEMENTS NOT INCLUDED ON THE ATTACHED LIST OF REPAIRS OR THE APPROVED BUILDING PLANS. I FURTHER ACKNOWLEDGE THAT ANY INCREASE IN THE SCOPE OF WORK OF WHAT WAS APPROVED MAY REQUIRE THE ENTIRE STRUCTURE TO COMPLY WITH CURRENT MANATEE COUNTY FLOOD REGULATIONS AND APPLICABLE BUILDING CODES.

TOTAL LABOR & MATERIALS \$ _____

OVERHEAD & PROFIT \$ _____

TOTAL COST \$ _____

STATE OF _____

COUNTY OF _____

Before me this day personally appeared _____, who, being duly sworn, deposes and says that he/she has read, understands, and agrees to comply with all the aforementioned conditions.

Contractor's Signature

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____ 20__, by _____, who is personally known to me () or has provided the following identification _____.
Expiration Date: _____ and who did/did not take an oath.

MANATEE COUNTY
Reconstruction / Improvement Cost Breakdown

Parcel ID # _____

Address _____

BUILDING

ITEMS	Subcontractor Bids (See Notes b, c, d)	Contractor and Owner Estimates (See notes a, e, f)	
	Bid Amounts	Material Costs	Labor Costs
Demolition			
Foundation & Slab Complete			
Masonry Walls & Reinforcing			
Structural Steel			
Bearing Walls, Tie Beams, Trusses			
Framing, Joists, Beams, Sub floor, Roof Sheathing			
Carpentry Package Complete			
Attached Decks & Porches			
Siding, Soffit, Fascia			
Exterior Doors & Windows			
Exterior Finishes (Stucco, Siding, Painting, Trim)			
Roof (Shingles, Tile, Metal, Underlayment, Mod Bit)			
Gutters & Downspouts			

ITEMS	Subcontractor Bids (See Notes b, c, d)	Contractor and Owner Estimates (See notes a, e, f)	
	Bid Amounts	Material Costs	Labor Costs
Stairs, Handrails, Guardrails			
Insulation Complete			
Drywall Complete			
Interior Non-Bearing Walls			
Interior Doors			
Baseboards, Crown Molding, Trim Boards			
Interior Wall Finishes (Painting/Covering)			
Kitchen & Bath Cabinets			
Kitchen & Bath Countertops			
Built-In Cabinets, Bookcases, Furniture			
Kitchen & Bath Tile or flooring			
Flooring Complete			
Mirrors, Closet Shelving, Shower Enclosures			
Fireplace, Hearth, Mantel, Chimney			
Elevator, Chairlift			
Appliances (Built-In), Central Vacuum			
BUILDING TOTAL			\$

ELECTRICAL

ITEMS	Subcontractor Bids (See Notes b, c, d)	Contractor and Owner Estimates (See notes a, e, f)	
	Bid Amounts	Material Costs	Labor Costs
Electrical Wiring & Rough			
Electrical Panel(s) & Meter Base			
Electrical Lighting Fixtures, Ceiling Fans, Receptacles, Switches			
Security System, Intercom System			
Smoke Detectors			
Generator			
Other			
ELECTRICAL TOTAL			\$

PLUMBING

ITEMS	Subcontractor Bids (See Notes b, c, d)	Contractor and Owner Estimates (See notes a, e, f)	
	Bid Amounts	Material Costs	Labor Costs
Plumbing Piping & Rough			
Plumbing Fixtures (Sinks, Tubs, Toilets, Shower, Faucets, Garbage Disposals, Etc.)			
Water Heaters			
Water Filtration, Water Softeners			
Recirculating Systems			
Other			
PLUMBING TOTAL			\$

MECHANICAL

ITEMS	Subcontractor Bids (See Notes b, c, d)	Contractor and Owner Estimates (See notes a, e, f)	
	Bid Amounts	Material Costs	Labor Costs
HVAC Ductwork & Rough			
HVAC Equipment			
HVAC Grills & Decorative Trim			
Bathroom Fans, Rangehood, Dryer Exhaust			
Other			
MECHANICAL TOTAL			\$

GAS

ITEMS	Subcontractor Bids (See Notes b, c, d)	Contractor and Owner Estimates (See notes a, e, f)	
	Bid Amounts	Material Costs	Labor Costs
Gas Piping & Rough			
Gas Tank			
Other			
GAS TOTAL			\$

MISCELLANEOUS

ITEMS	Subcontractor Bids (See Notes b, c, d)	Contractor and Owner Estimates (See notes a, e, f)	
	Bid Amounts	Material Costs	Labor Costs
Construction Management & Supervision			
Overhead & Profit			
Other			
MISCELLANEOUS TOTAL			\$

TOTAL COST

BUILDING TOTAL	\$
ELECTRIC TOTAL	\$
PLUMBING TOTAL	\$
MECHANICAL TOTAL	\$
GAS TOTAL	\$
MISCELLANEOUS TOTAL	\$
TOTAL COST	\$
STRUCTURE VALUE	\$
PERCENTAGE	%

Contractor, Subcontractor & Owner Bids/Estimates Required:

- a. Copy of the detailed cost breakdown between the owner and the general contractor must be provided (If permit is applied for by owner – owner/builder is exempt from this requirement)
- b. All subcontractor bids must include the following information: Date, Address of Project, Specific Scope of Work and Trade, Total Cost of Project which must specify the following: Labor Only, Materials Only, Labor and Materials
- c. Subcontractor bids for the following trades are a mandatory requirement: Mechanical, Plumbing, Electrical & Roofing
- d. All other subcontractor bids can be utilized and must include the above information in place of a general contractor estimate or owner estimate
- e. All materials provided by the General Contractor or Owner must include a price quotation by the vendor or manufacturer and must include the following information: Date, Address of Project, Specific Scope of Work and Trade, Total Cost of Project
- f. If the owner is providing labor then the value of the labor should be estimated based on applicable minimum hourly wage scales for the type of construction work to be completed. Our Building Official based on his/her professional judgment and knowledge of local/regional wage scales can provide additional guidance to determine reasonable labor rates for professional trades (i.e. electricians, plumbers, block masons, framers, etc.).

I understand that I am subject to enforcement, penalties and / or fines for violation if inspection of the property reveals that I have made additions, renovations, or remodeling to the property which were not included in the permit documents.

Violating the FEMA improvement threshold may result in removal of the improvement work, revocation of the Certificate of Occupancy for the building, and / or an order to remove the structure.

Contractors Name: _____

Address: _____

License number: _____

Phone Number: _____

Contractors

Signature : _____

Date: _____



FOR OFFICE USE ONLY
DO NOT WRITE ON THIS PAGE

**FEMA SUBSTANTIAL IMPROVEMENT
SUBSTANTIAL DAMAGE DETERMINATION**

Property Address: _____

Current Market Value of Subject Structure Only:

1. Based on Property Appraiser's Valuation: \$ _____

2. Based on MAI or F.S. Chapter 475 Appraisal \$ _____
(Comparable Appraisal for the depreciated Value of the Structure)

IMPROVEMENT / RECONSTRUCTION COST \$ _____

Ratio of New Costs to Existing Value: _____ %
(Ratio must not equal or exceed 50%)

COMMENTS

Approved By: _____
Floodplain Administrator