

City of Bellaire
Flood Hazard Mitigation Task Force
Meeting Notes
January 9, 2018

Mr. Hofmann welcomed everyone to the meeting. He then thanked everyone for their input at the last meeting and stated that he felt as though a lot was accomplished. Mr. Hofmann mentioned that he hopes the members of the Task Force got a chance to look through the new draft of the matrix which Mr. Cox sent out a few days before. He added that staff is doing their best to try and reflect all of the concepts/ideas that have been discussed in a consistent way. Mr. Hofmann stated that he would like to take some time to review how the regulatory process and the 50% rule works, which will be presented by ChaVonne Sampson. He also mentioned that there needs to be a discussion regarding the public hearing that is on the schedule for January 29th. He stated that he felt as though the Task Force is ready to hold the hearing on the scheduled day.

ChaVonne Sampson, Director of Development Services & City's Floodplain Manager-Mrs. Sampson reviewed the regulatory process with the Task Force. She explained how the 50% Rule comes into play as well as the suggested approach that staff would like to enforce during the next flood event. To view the entire presentation, please click [HERE](#).

Questions/Comments that came from the presentation were:

Brian Sanford-So the amount spent on permits for residential remodels is not a factor that is taken into consideration after the first flood of a home? What about the second time that the home floods?

Mrs. Sampson confirmed that those numbers are not looked at after the first flood, but will be taken into consideration after the structure has flooded for a second time.

Chris Canonico-What is the current approach that is being taken with regard to deciding whether or not a permit will be issued?

Mrs. Sampson stated that currently, all residential remodel permits and all flood permits were looked at throughout the event when deciding what permits to issue.

Millie Hast-Mentioned that she thought that the City had stopped doing that.

Mrs. Sampson explained that during Harvey was when staff starting making changes, but prior to Harvey everything was looked at cumulatively. She added that actually having regulations in writing will help during future events.

Mr. Hofmann agreed that at this point all the City can say is what the prior practice has been, but having something in the books that explains the cumulative approach would be very beneficial. He stated that members of the task force have brought up a valid issue about how

the City of Bellaire's approach differs from other entities in the region, and that there are consequences associated with that which the City needs to think about. Mr. Hofmann added the purpose of this is to define a policy direction that can be codified, ultimately by the City Council. He stated that Ms. Hast is correct that the City did change their approach half-way through the process during Harvey, and that moving forward this process needs to be established.

Millie Hast-Is the 50% Rule a requirement of the Community Rating System (CRS)?

Mr. Hofmann explained that how the cumulative issue is dealt with is decided on a local level. He added that the 50% Rule is not negotiable, but the "cumulative" approach is.

Mayor Friedberg-He asked for clarification that the difference in the current approach and the suggested approach is that the resident gets a "second bite at the apple." He added that due to the magnitude of Harvey, it didn't seem right to count a small remodel permit against the homeowner's ability to get a flood repair permit.

Council Member Montague-Mentioned that past flood events and future remodel permits will count against the resident after two flood events.

Robyn Rosenblatt- Clarified that the third box is triggered by a third flood or a remodel after a second flood.

Millie Hast-Will the previous permits be pulled from as far back as when the house was built or when the current owners purchased it?

Mrs. Sampson explained that based on conversations with Mr. Hofmann, the new standard would be from 2015 (Memorial Day Flood) on.

Mr. Hofmann explained that prior to two flood events no single permit is allowed to be more than 50% of the value of the structure, however cumulative does not come into play. After the second instance of flood damage, prior flood permits as well as remodel permits (from 2015 on) will count towards the 50% Rule.

Chris Canonico-Why are remodel permits included in the cumulative review of the structures?

Mr. Hofmann stated that the goal of the City is to enforce and create compliance. He questioned whether it makes sense for the City of Bellaire to continue allowing residents to invest money into structures that are subject to repetitive flooding.

Menny Rosenbaum-Aren't we then creating an environment where residents will begin to do work without a permit?

Mrs. Sampson mentioned that in those instances, the property owners are taking a huge risk on a home that is subject to multiple instances of flood damage.

Mr. Hofmann asked Mr. Rosenbaum what his suggestion is on how the City should approach the 50% Rule and the accumulation of costs towards that rule, moving forward.

Mr. Rosenbaum felt that each incident should be considered independently. He stated that only 47 structures that are compliant received flood damage, and that new processes and major investments shouldn't be made for such a small amount of homes within the City. He felt that the current system works. Mr. Rosenbaum mentioned that nature will find a way to clear the path for new construction to build better homes.

Mr. Hofmann explained that the 50% Rule only applies to those homes that are not compliant (built one foot above the Base Flood Elevation).

Millie Hast-Feels that it is wrong to force people to tear down their home. She added that many residents may not be able to afford to demolish and rebuild and therefore should be able to improve/remodel it as they wish.

Mayor Friedberg-Pointed out that the 50% Rule is the same with the City's zoning code as it is with flooding. He explained that the zoning regulations state that any property built prior to the code going into effect is grandfathered in. However, if an incident takes place that requires the remodeling or rebuilding of 50% of the structure then it must comply with the new zoning requirements. Mayor Friedberg stated that it is the same with a home that was not built under the current regulations of one foot above BFE. The home is grandfathered in until such time that it is deemed substantially damaged and 50% or more of the value of the home must be invested in order to make repairs.

Millie Hast-The City needs to help people elevate if this is going to be the standard. She added that although property owners are able to apply for loans and grants through FEMA, those funds are not guaranteed.

David Roylance- Asked Ms. Hast how she would view the City's handling of the valuation of that land for future tax purchases, if the City were to contribute funds to help with the elevation.

Ms. Hast stated that obviously more thought would need to be put into the idea; she just feels that if the goal is compliance, people should be helped rather than punished.

Mr. Hofmann reiterated that the question once again becomes, what is the appropriate role of government? Where should the City be putting its very limited resources?

Brian Sanford-Mentioned that no one that he has spoken to outside of the City of Bellaire had ever heard of the cumulative approach. He felt that the City needs to be cognizant of the fact that because the surrounding entities are not taking the cumulative approach, homes in Bellaire will become less valuable. He added that this will lead to a decrease in demand for homes within Bellaire when compared to homes in other areas of Houston. Mr. Sanford then stated that, hypothetically, the regulations to be built one foot above BFE could be increased, which then means that the majority of homes within the City will no longer be compliant. He also

mentioned that the \$30,000 of Increased Cost of Compliance (ICC) funding that is provided by FEMA to residents who have flood insurance and are deemed substantially damaged, does not take the cumulative approach. He suggested that the City of Bellaire adopt a process that aligns with the process that other jurisdictions have in place.

Robyn Rosenblatt-How is the City calculating the value of the structure? Is it strictly based off of the HCAD appraisal?

Mr. Hofmann explained that the City has established an alternate formula to determine the value of the structure, which includes the HCAD appraisal, along with several other factors.

Ms. Rosenblatt asked if the value of the lot is also part of that calculation.

Mr. Hofmann stated that it is just the value of the structure (improvement).

Chris Canonico-Feels that the City should use only the HCAD appraisal in determining the value of the home, and encourage people to get flood insurance. He added that he feels as though the City's current regulations are penalizing the residents who own a home that was built between 1990 and 2007.

Robyn Rosenblatt- She mentioned Ms. Hast's comment regarding the City helping to fund the elevation of homes. She questioned what the assessed value would be on the home, and how many years the City would have to tax that home in order to get a return on its investment. Ms. Rosenblatt stated that the homeowner gains the benefit while the cost is borne by the whole community.

Council Member Montague-If in fact Project Brays is completed, and the floodplain recedes, then the number of houses that are non-compliant within the City of Bellaire are going to be significantly reduced. He stated that he would like for the Task Force to fast forward and assume that Brays is going to happen; what is the community going to look like in 2022 with a "clean slate, and what regulations need to be put into place for when that time comes?

Menny Rosenbaum-FEMA is providing funding for homeowners of 1950s homes to repair and elevate the structure that is of no value in today's market.

Mayor Friedberg-Mentioned Ms. Hast's comment about the City "forcing" people to tear down their home and pointed out that the idea that someone would want to continue living in a home after 4 floods is irrational. He added that there is a lot of value associated with the property which can be used to rebuild and/or go elsewhere.

Win Frazier-Agreed with Council Member Montague's comment regarding Project Brays. He disagreed with the idea that Bellaire should just adopt the same regulations as other jurisdictions. He stated that Bellaire has made it a point to be different than the surrounding cities, and should make decisions with that in mind. Mr. Frazier then asked how the Task

Force's recommendation was going to be codified prior to going to Council. Are there any Boards or Commissions that it will need to go to prior to Council seeing it?

Mr. Hofmann stated that if any amendments were recommended to Chapter 9, then the Building and Standards Commission will need to be included in that review.

David Roylance-Mentioned that the City's formula essentially creates more leeway for a homeowner to come in below the 50% and agreed with Mr. Rosenbaum's comment that it makes no sense to invest a significant amount of money to repair a home with a HCAD value of \$1,000. He also agreed that including the amount spent in remodel permits in the cumulative approach will create an environment of residents doing work on their home without a permit and asked how that will be controlled.

Robyn Rosenblatt-Is anyone currently monitoring the situation of what houses have not remediated or are working without a permit?

Mr. Hofmann stated that City staff is actively monitoring that, but unfortunately is unable to know what is going on with each and every house within the City. He mentioned that currently only 50 homes have been deemed substantially damaged under the formula that the City is implementing. He added that if only the HCAD valuation was taken into consideration that number would be significantly increased. Mr. Hofmann then asked Mr. Canonico to better explain his reasoning for wanting to only use the HCAD value of the structure.

Chris Canonico-Stated that in only using the HCAD value, the City can achieve a higher level of safety, and it will help to get more homes within the City into compliance with the floodplain regulations.

Mr. Hofmann stated that he understands the logic, but reiterated that there would be hundreds more people without options in Bellaire today if that was the only number taken into consideration.

Mr. Canonico agreed that at the beginning there would be a lot of people that would be negatively impacted, but moving forward the City should require that everyone has flood insurance.

Mr. Hofmann asked if having flood insurance would really solve the problem.

Robyn Rosenblatt-Stated that even with flood insurance and funding from FEMA, the application is going to be looked at with a cumulative approach and they may or may not be able to get a permit.

Chris Canonico-Mentioned that the property owners who have flood insurance receive funding to help pay for the elevation of the home.

Mr. Hofmann pointed out that only \$30,000 is contributed to that effort.

Council Member Montague-He asked how the City of Houston calculates the value of the structure.

Mrs. Sampson explained that they use a formula similar to what Bellaire is using.

Mayor Friedberg-Didn't feel that simply using the HCAD value as opposed to a cost estimator, after the fact, is going to persuade individuals to get flood insurance.

David Roylance-Felt that if the City wants to continue using the cost estimator then taking the cumulative approach makes sense. However, if only the HCAD value is used then it does not need to be cumulative.

Mr. Hofmann then showed the Task Force the updated matrix, and stated that according to the schedule, the next meeting would be on January 29th in the form of a public hearing. He asked if they felt as though the draft version of the Task Force's work is sufficient to receive public comment on in 20 days.

Jonathan Reichel-Stated that he didn't feel as though it was ready for public comment. He suggested that the Task Force meet with James Andrews, the City Engineer, to see if the ideas are feasible options.

Win Frazier-Felt that the Task Force should move forward with the public hearing. He added that it gives the public the opportunity to give their opinion on what is being proposed and then time for the Task Force to take those comments into consideration.

Mr. Hofmann mentioned that Mr. Reichel's concerns don't necessarily need to be vetted prior to getting public input.

Chris Canonico-Suggested that the City require homeowners to have flood insurance prior to being issued a flood repair permit.

The consensus from the Task Force is that a public hearing should take place on January 29th.

Mr. Hofmann stated that City staff would start to push out some public messages about the hearing. He added that the public hearing will be in the Council Chambers, at 6:30 PM on the 29th. Mr. Hofmann stated that the Task Force will meet again on February 6th, which will concentrate on what was heard at the public hearing, and then again on February 20th. He asked the members to please continue to read the materials and let staff know about any suggestions that they may have. Mr. Hofmann also explained that Mrs. Sampson is communicating with a Community Rating System (CRS) representative and will be getting their opinion on the work that has been done with the Task Force.

David Roylance-Felt that the Task Force may need to add an additional meeting to the schedule.

Mr. Hofmann stated that staff will make note of holding an additional meeting that might include a discussion with Mr. Andrews about the recommendations.

Public Comments:

Roxanna Ward-Does the City of Bellaire's CRS have a severe repetitive loss revision?

Mrs. Sampson stated that it does not.

Mrs. Ward stated that from what she understands, the standard that is being proposed for the City of Bellaire is potentially more relaxed than what the City of Houston has in place. The City of Houston's CRS does have a severe repetitive loss revision which states that if a structure floods twice in two years and each time the cost to repair is more than 25% of the value of the house, then the house must either be elevated or demolished.

Doug Newport, 4820 Spruce- Mentioned that there is a recommendation in the draft that deals with increasing the capacity of Cypress Ditch. He stated that it is probably not a bad idea and that if the ditch was a box shape it would almost double the capacity. Mr. Newport pointed out that just that one improvement could make a big impact on the future of flooding in Bellaire. He suggested that the draft include something that is more visual to present to City Council.