



**TO:** Property Owners, Contractors, and Design Professionals

**FROM:** City of Fort Lauderdale Building Department Flood Section (954) 828-6133

**SUBJECT:** Floodplain Management Notice for Work on Existing Buildings

### **Substantial Improvement/Substantial Damage Information and Affidavits**

The City of Fort Lauderdale floodplain management ordinance C-23-46 specifies that all new buildings are required to meet specific elevation requirements for the flood zone in which they are located. The regulations also specify that substantial improvement of existing buildings (remodeling, rehabilitation, improvement, or addition) or buildings that have sustained substantial damage must be brought into compliance with the requirements for new construction.

Please note that a building may be substantially damaged by any cause, including fire, flood, high wind, seismic activity, land movement, or neglect. It is important to note that all costs to repair a substantially damaged building to its pre-damage condition must be identified. There are several aspects that must be addressed to achieve compliance with the floodplain management requirements. The requirements depend on several factors, including the flood zone at the property. The most significant compliance requirement is that the lowest floor and machinery, as defined in the regulations/code, must be elevated to or above the minimum elevations required by the current flood ordinance. A meeting with this department to review the proposed project, to go over the requirements, and to discuss how to bring the building into compliance may be necessary. For more information call the Floodplain Manager at (954) 828-6133.

City regulations define these terms:

**Substantial damage.** 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) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section]

**Substantial improvement.** Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, or combination of any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a two-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. 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; or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. [Also defined in FBC, B, Section 202.]

The substantial improvement or substantial damage determination is made by dividing the cost of the improvement or cost to repair the building to its pre-damage condition by the market value of the existing building (excluding land, accessory structures, and landscaping).

$$\text{Improvement value} \div \text{Market value} = \text{Percentage of Improvement}$$

If the resulting ratio equals or exceeds 50 percent, the existing building must be brought into compliance with the floodplain management requirements for new buildings.

Applications for permits to work on existing buildings that are located in Special Flood Hazard Areas must include the following:

**The applicant must provide.**

1. A detailed cost estimate that reflects all materials and labor costs. If the building has been damaged, the cost estimate must include all work required to repair the building to its pre-damage condition. If the work is done by a contractor, the contractor's overhead and profit must be included. If the work is done by the owner or volunteers, market rates must be used to estimate the cost of materials and the value of labor. The following pages contain a list of costs that must be included and costs that are excluded.
2. An Elevation certificate (**ONLY if Substantial Improvement or Damage**)
3. Current photographs of the exterior (front, rear, sides) (**ONLY if Substantial Improvement or Damage**)
4. If the building has been damaged, include photographs of the interior and exterior; provide pre-damage photos of the exterior, if available
5. A detailed description of the proposed improvement (rehabilitation, remodeling, addition, etc.) or repairs
6. A notarized Owner's affidavit
7. A notarized Contractor's affidavit
8. (**Optional**) A market value appraisal of the building that is prepared by a Florida Licensed or Certified appraiser. **If an appraisal is not submitted**, the tax assessed value of the building will be used as the market value of the building. If there are any questions regarding this information, please contact the Floodplain Manager at (954) 828-6133.



### Costs That Must be Included in SI/SD Determinations

Items that must be included in the costs of improvement and the costs to repair are those that are directly associated with the building. The following list of costs that must be included is not intended to be exhaustive, but characterizes the types of costs that must be included:

- Materials and labor, including the estimated value of donated or discounted materials (Section 4.4.4) and owner or volunteer labor (Section 4.4.5)
- Site preparation related to the improvement or repair (e.g., foundation excavation or filling in basements)
- Demolition and construction debris disposal (Section 4.4.6)
- Site preparation related to the improvement or repair (e.g., foundation excavation or filling in basements)
- Demolition and construction debris disposal (Section 4.4.6)
- Labor and other costs associated with demolishing, moving, or altering building components to accommodate improvements, additions, and making repairs
- Costs associated with complying with any other regulations or code requirement that is triggered by the work, including costs to comply with the requirements of the Americans with Disabilities Act (ADA)
- Costs associated with elevating a structure when the proposed elevation is lower than the BFE
- Construction management and supervision
- Contractor's overhead and profit
- Sales taxes on materials
- Structural elements and exterior finishes, including:
  - o Foundations (e.g., spread or continuous foundation footings, perimeter walls, chain-walls, pilings, columns, posts, etc.)
  - o Monolithic or other types of concrete slabs
  - o Bearing walls, tie beams, trusses
  - o Joists, beams, subflooring, framing, ceilings
  - o Interior non-bearing walls
  - o Exterior finishes (e.g., brick, stucco, siding, painting, and trim)
  - o Windows and exterior doors
  - o Roofing, gutters, and downspouts
  - o Hardware
  - o Attached decks and porches
- Interior finish elements, including:
  - o Floor finishes (e.g., hardwood, ceramic, vinyl, linoleum, stone, and wall-to-wall carpet over subflooring)
  - o Bathroom tiling and fixtures
  - o Wall finishes (e.g., drywall, paint, stucco, plaster, paneling, and marble)
  - o Built-in cabinets (e.g., kitchen, utility, entertainment, storage, and bathroom)
  - o Interior doors
  - o Interior finish carpentry
  - o Built-in bookcases and furniture
  - o Hardware
  - o Insulation



- Utility and service equipment, including:
  - o Heating, ventilation, and air conditioning (HVAC) equipment
  - o Plumbing fixtures and piping
  - o Electrical wiring, outlets, and switches
  - o Light fixtures and ceiling fans
  - o Security systems
  - o Built-in appliances
  - o Central vacuum systems
  - o Water filtration, conditioning, and recirculation systems

### **Costs That May be Excluded from SI/SD Determinations**

Items that can be excluded are those that are not directly associated with the building. The following list characterizes the types of costs that may be excluded:

- Clean-up and trash removal (Section 4.4.7)
- Costs to temporarily stabilize a building so that it is safe to enter to evaluate and identify required repairs
- Costs to obtain or prepare plans and specifications
- Land survey costs
- Permit fees and inspection fees
- Carpeting and recarpeting installed over finished flooring such as wood or tiling
- Outside improvements, including landscaping, irrigation, sidewalks, driveways, fences, yard lights, swimming pools, pool enclosures, and detached accessory structures (e.g., garages, sheds, and gazebos)
- Costs required for the minimum necessary work to correct existing violations of health, safety, and sanitary codes (Section 4.4.8)
- Plug-in appliances such as washing machines, dryers, and stoves



**Owner's Affidavit: Substantial Improvement or Repair of Substantial Damage**

**Permit number:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Parcel ID Number:** \_\_\_\_\_

**Owner's Name & Email:** \_\_\_\_\_

**Owner's Address/Phone:** \_\_\_\_\_

**Contractor:** \_\_\_\_\_

**Contractor's License Number:** \_\_\_\_\_

**Date of Contractor's Estimate:** \_\_\_\_\_

I hereby attest that the description included in the permit application for the work on the existing building that is located at the property identified above is all of the work that will be done, including all improvements, rehabilitation, remodeling, repairs, additions, and any other form of improvement. I further attest that I requested the above-identified contractor to prepare a cost estimate for all of the work, including the contractor's overhead and profit.

I acknowledge that if, during construction, I decide to add more work or to modify the work described, that the City of Fort Lauderdale will re-evaluate its comparison of the cost of work to the market value of the building to determine if the work is substantial improvement. Such re-evaluation may require revision of the permit and may subject the property to additional requirements for new construction.

I also understand that I am subject to enforcement action and/or fines if inspection of the property reveals that I have made or authorized repairs or improvements that were not included in the description of work and the cost estimate for that work that were the basis for issuance of a permit.

**Owner's Signature:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Notary:** \_\_\_\_\_



**Contractor's Affidavit: Substantial Improvement or Repair of Substantial Damage**

**Permit number:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Parcel ID Number:** \_\_\_\_\_

**Contractor Name & Email:** \_\_\_\_\_

**Contractor Address/Phone:** \_\_\_\_\_

**Contractor Business Name:** \_\_\_\_\_

**Contractor's License Number:** \_\_\_\_\_

**Date of Contractor's Estimate:** \_\_\_\_\_

I hereby attest that I have personally inspected the building located at the above-referenced address and discussed the nature and extent of the work requested by the owner, including all improvements, rehabilitation, remodeling, repairs, additions, and any other form of improvement. At the request of the owner, I have prepared a cost estimate for all the improvement work requested by the owner and the cost estimate includes, at a minimum, the cost elements identified by the City of Fort Lauderdale that are appropriate for the nature of the work. If the work is repair of damage, I have prepared a cost estimate to repair the building to its pre-damage condition. I acknowledge that if, during construction, the owner requests more work or modification of the work described in the application, that a revised cost estimate must be provided to the City of Fort Lauderdale, which will re-evaluate its comparison of the cost of work to the market value of the building to determine if the work is substantial improvement. Such re-evaluation may require revision of the permit and may subject the property to additional requirements for new construction.

I also understand that I am subject to enforcement action and/or fines if inspection of the property reveals that I have made or authorized repairs or improvements that were not included in the description of work and the cost estimate for that work that were the basis for issuance of a permit.

**Contractor's Signature:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Notary:** \_\_\_\_\_