



**FEMA**

**OCT 12 2017**

Mr. Ron Katzaman  
2395 Lamb's Gap Road  
Enola, Pennsylvania, 17025

**OCT 30 PM 2:58**

Dear Mr. Katzaman:

Thank you for your letter dated August 13, 2017, to President Trump regarding the Township of Londonberry's enforcement of the National Flood Insurance Program (NFIP) standards. Due to the nature of your inquiry, your letter was forwarded to the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to respond. You stated that a power company, that owns the island that you maintain a summer residence on, is threatening to terminate the lease agreements. You requested assistance in resolving this issue.

Development may take place within the Special Flood Hazard Area (SFHA) provided it is in compliance with local floodplain ordinances, which must meet minimum Federal requirements. At a minimum, communities participating in the NFIP must require that new construction or substantial improvements of structures in the SFHA be elevated so that the lowest floor (including the basement) is at or above the Base Flood Elevation. When Londonberry Township joined the NFIP, it agreed to adopt and enforce the minimum floodplain management regulations required for participation. FEMA works closely with States and local communities to identify flood hazard areas and risks. The floodplain management requirements within the SFHA are designed to prevent new development from increasing the flood threat and to protect new and existing buildings from anticipated flood events.

Site visits conducted by the Township and FEMA revealed that many properties were not constructed in accordance with the regulations in effect at the time of construction. Additionally, when homes are substantially improved or substantially damaged, the Township's ordinance requires the structures to be updated or rebuilt in ways that minimize flood damage. This requirement is to ensure the property owner's safety and protect their investment while reducing the number of buildings exposed to flood damage.

Substantial improvement is defined in 44 CFR 59.1 as any reconstruction, rehabilitation, addition, or other improvement 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. Additionally, Substantial damage is defined in 44 CFR 59.1 as any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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Cube Hydro, and the former owner of the land, York Haven Power, leased the area for seasonal (summer and fall) camping, not year-round residence. Many of the lessees constructed permanent structures on the leased land, which not only violated the terms of their lease but also violated the provisions of the local floodplain ordinance governing construction in a high risk area.

Representatives from FEMA, Cube Hydro, Londonderry Township, Elizabethtown College, and the Island Association met on August 2<sup>nd</sup> to discuss this topic in greater detail and listen to possible solutions. Consensus was reached that the previously agreed upon and signed compliance agreement will be honored. New development can occur on the island, as long as Cube Hydro, the land owner, authorizes it and that Londonderry Township permits the development in compliance with their floodplain ordinance. The islands being discussed are situated in the floodway, an area where homes are most vulnerable to the fastest moving, deepest flood waters. Even compliant structures are at risk and can still incur flood damage and place people and property in jeopardy. FEMA reiterated that while development is possible, if done in compliance with the Township's ordinance, decisions about building in a high risk area like these islands must be weighed carefully.

I hope this information addresses your concerns. If you have any questions or need additional assistance, please contact FEMA's Congressional Affairs Division by telephone at (202) 646-4500.

Sincerely,



Michael M. Grimm  
Assistant Administrator for Mitigation  
Federal Insurance and Mitigation  
Administration

cc: Steve Letavic, Londonberry Township Manager