

## Illinois and FEMA Floodplain Management Webinars

FEMA and Illinois DNR continue our monthly webinar series with different floodplain management topics each month. Please share this information with your building inspectors, permit staff, engineers, and public work staff. Use the links below to register and add to your calendar.

### Illinois DNR webinars:

- 9/10/2024 (Tuesday) 11:30-12:30, [Illinois Floodplain Permits and Ordinance Administration](#)
- 10/15/2024 (Tuesday) 11:30-12:30, [Variances and Violations – Enforcing Your Floodplain Development Ordinance](#)
- 11/12/2024 (Tuesday) 11:30-12:30, [Substantial Damage and Substantial Improvement – And overview of the local official’s requirements](#)

### FEMA Webinars

- 9/25/2024, (Wed), 9-10 am, [FEMA Accessory and Agricultural Structures](#)
- 10/30/2024, (Wed), 9-10 am, [FEMA Great Lakes Coastal Floodplain Management](#)
- 11/27/2024, (Wed), 9-10 am, [FEMA Natural and Beneficial Functions](#)
- 12/18/2024, (Wed), 9-10 am, [FEMA Community Rating System \(CRS\)](#)

### In this Issue

- Illinois and FEMA Floodplain Management Webinars
- Newly Signed Legislation Related to Flood Issues
- FEMA Seeking Public Comments on CRS Redesign
- Recreational Vehicles in the Floodplain
- Il Department of Natural Resources Mitigation Funds

## Newly Signed Legislation Related to Flood Issues

Governor Pritzker recently signed two pieces of legislation that addresses flood issues in Illinois, both laws will be effective on January 1, 2025.

The first bill, Senate Bill 2601 (Public Act 103-0754) amends the Landlord and Tenant Act and requires every landlord to clearly disclose to each of the landlord's tenants in writing prior to signing the lease for the rental property that a rental property is located in the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and if the landlord has actual knowledge that the rental property has been subjected to flooding and the frequency of such flooding. The new law provides that if a landlord fails to comply with these requirements and the tenant subsequently becomes aware that the property is located in the FEMA Special Flood Hazard Area the tenant may terminate the lease by giving written notice of termination to the landlord, and the landlord is then required to return all rent and fees paid in advance no later than the 15th day after the tenant gave notice. Additionally, the law requires every landlord who leases a lower-level unit to clearly disclose to each of the landlord's lower-level unit tenants in writing prior to the signing of the lease for the lower-level unit if the lower-level unit or any portion of the real property containing the lower-level unit has experienced flooding in the last 10 years and requires disclosure of the frequency of the flooding. The law provides that if a landlord fails to comply with either of these provisions and flooding occurs that results in damage to the tenant's personal property, affects the habitability of the leased property, or affects the tenant's access to the leased property, the tenant may: (1) terminate the lease by giving written notice to the landlord no later than the 30th day after the flood occurred and the landlord shall return all rent and fees paid in advance no later than the 15th day after the tenant gave notice; and (2) bring an action against the landlord

of the property to recover damages for personal property lost or damaged as a result of flooding. The sample written disclosure that is included with the new law includes language that addresses flood insurance for renters.

The second bill, Senate Bill 2681 (Public Act 103-095) amends the Rivers, Lakes, and Streams Act. This law requires the Department of Natural Resources (DNR) to ensure that all State agencies comply with the National Flood Insurance Program requirements, and requires that all State agencies obtain a special flood hazard area development permit before undertaking any development activity on State-owned property that is located in a special flood hazard area. The DNR must adopt an administrative rule setting forth a State special flood hazard area development program to ensure that specified conditions are met for the issuance of permits prior to any State agency development within a special flood hazard area. This rule must meet the minimum federal standards for the NFIP. DNR was also granted authority to adopt an emergency rule to implement this new permit program. Additionally the law specifies that State agencies that administer grants or loans for financing a development within a special flood hazard area, are responsible for regulating or permitting a development within a special flood hazard area, or engage in planning programs or promoting a development within a special flood hazard area to cooperate with DNR to ensure that participants in their programs are informed of the existence and location of special flood hazard areas and of any State or local floodplain requirements that are in effect in such areas.

DNR is currently working on draft rules to implement this new program.

You can see the full text of these laws at: [Illinois General Assembly Home Page \(ilga.gov\)](https://www.ilga.gov/)

## **FEMA Seeking Public Comments on CRS Redesign**

The Federal Emergency Management Agency (FEMA) published a Request for Information (RFI) notice in the Federal Register July 11, 2024 seeking public comment and offering public meetings on the future of the Community Rating System (CRS). The RFI includes a list of questions about the Community Rating System (CRS). Answers to the questions will assist FEMA as it considers ways to modify, streamline, and create innovative measures to improve the CRS. Public meetings will be held Aug. 21, 22 and 27, 2024, and the public comment period will be open through Sep. 9, 2024. Included below is an overview of the CRS Redesign effort and opportunities for public comment on the CRS program. Note that FEMA is seeking comments from all National Flood Insurance Program (NFIP) communities and other stakeholders (regardless of current CRS program participation).

The CRS is a voluntary incentive program that recognizes and encourages community floodplain management practices to exceed the minimum requirements of the NFIP. Continuously learning about flood, flood-risk management, and flood-risk reduction techniques, FEMA now has more information about and understanding of multi-frequency analysis, pluvial flooding, climate change, and the extent of flood risk outside of the Special Flood Hazard Area (SFHA) since the CRS program was implemented in 1990.

This new understanding has led FEMA to take a holistic look at the CRS program to determine how it can best meet FEMA and NFIP consumer needs. This effort is called “CRS Redesign.”

FEMA is seeking input on suggested alternative program features and approaches for a redesigned CRS based on public input from an August 2021 RFI (Docket ID “FEMA-2021-0021”) and recommendations from a July 2023 Government Accountability Office report (GAO-23-105977).

CRS Redesign is a multi-year effort intended to take a comprehensive look at the CRS program, exploring incremental improvements and bold shifts in approach. FEMA is exploring the future of CRS with a focus on: (1) incentivizing communities to take measurable actions, and make sustained progress that reduces current and future flood risk; (2) embedding equity as a foundation of the CRS program; (3) incentivizing communities

to promote property owners to purchase flood insurance to reduce their financial exposure to flood risk; and, (4) delivering a community participant-centered and modernized program.

The purpose of the CRS Redesign initiative is to enhance the program's effectiveness, promote resilience, and mitigate the financial impacts of flooding on communities.

FEMA published a notice in the [Federal Register](#) July 11 seeking public comment on the CRS program. One way interested members of the public can provide feedback on the program is by [submitting a response to this notice](#). Comments can be submitted for Docket ID: FEMA-2024-0022 through the Federal eRulemaking Portal. Follow the instructions for submitting comments, which will be open from **July 11, 2024 through Sept. 9, 2024**. Stakeholders can contact the [Regulations.gov Help Desk](#) if they have technical issues.

FEMA will also hold three public meetings to gather verbal public feedback on the CRS program. The objectives of these public meetings are to:

- Provide information about this program, review and improvement effort, and explore questions included in the corresponding RFI.
- Provide information about how to access the Federal Register Notice RFI and submit written comments; and
- Provide an opportunity for interested members of the public to provide verbal feedback.

Anyone may register for these public meetings and all three meetings will cover the same content. Participants must register in advance and will be confirmed on a first-come, first-served basis. Participation is limited to 500 attendees per meeting.

The first meeting will begin at **2 p.m. ET on Wednesday, Aug. 21, 2024**. [Register here for meeting #1](#).

The second meeting will begin at **3 p.m. ET on Thursday, Aug. 22, 2024**. [Register here for meeting #2](#).

The third meeting will begin at **3 p.m. ET on Tuesday, Aug. 27, 2024**. [Register here for meeting #3](#)

For the latest information, check out the [FEMA.gov/community-rating-system](#) and [FEMA.gov/events](#) pages. Additionally, stakeholders can also reach out to [FEMA-CRS-Redesign@fema.dhs.gov](mailto:FEMA-CRS-Redesign@fema.dhs.gov) with questions.

## Recreational Vehicles in the Floodplain

Recreational vehicles are common in Illinois and are often driven to or stored in floodplains, which are frequently used as recreation areas. At times, they are modified to more permanent fixtures without air in the tires, attached decks or other construction, and may be left in place for years at a time. The requirements for recreational vehicles were written in a way that supports the use of floodplains for camping areas as long as recreational vehicles can be driven out of the floodplain when floods are forecasted. Recreational and camping areas are a good use of the floodplain where recreational vehicles can be driven away when floods are predicted rather than extensive residential uses. Standard requirements for recreational vehicles are:

- Be on the site for fewer than 180 consecutive days; or
- Be fully licensed and ready for highway use\*; or
- Meet the permitting, elevation, and anchoring requirements for manufactured homes.

\*Fully licensed and ready for highway use means the vehicle is on its wheels or jacking system and is attached to the site by only quick-disconnect type utilities and security devices. The vehicle also has no permanently attached additions.

The 180-day consecutive day requirement can be enforced by adopting a requirement for local park administrators to keep track of when recreational vehicles arrive at the park and when they leave. Those records can be kept in a log and the dates tracked. The community official can also use photo documentation.

Areas that are prone to flash flooding are not recommended for recreational vehicles if there is not sufficient warning time to safely evacuate in the case of a flood. Over half of all flood-related drownings occur when a vehicle is driven into hazardous flood water. Never drive around the barriers blocking a flooded road. Just 2 feet of rushing water can carry away most SUVs and trucks; it is never safe to drive or walk into flood waters.

## II Department of Natural Resources Mitigation Funds

July flooding impacted jurisdiction all over the state. The good news is that previous acquisition projects removed several hundred structures from the floodplain in communities such as Belleville, East St. Louis, and Rockford. The homeowners were able to avoid the damaging floodwaters and the city officials had a greatly diminished workload because the flooding inundated vacant lots instead of family homes.

The Illinois Department of Natural Resources / Office of Water Resources (IDNR/OWR) is currently funded by the State legislature for additional buyouts. This program has been active since the late 1970's, but the funding varies depending on what is allocated by the legislature.

These funds can only be used for the acquisition and demolition of flood prone structures which are deed restricted to stay open space in perpetuity. The funds cannot be used for elevations or structural projects. All communities that are in good standing with the NFIP are eligible to apply for these funds.

The Notice of Intent is a very simple form that requests how many properties are you applying to purchase, how many are substantially damaged, how many are repetitive loss properties, and what are the anticipated costs. We will review the NOIs and then request full applications. This will prevent communities from spending resources on a full application if they do not get funded.

This program can fund 100% of the costs associated with the project and can be used to provide match for a Federally funded acquisition project. This program is a reimbursement program, so a jurisdiction is responsible for purchasing the properties and can apply for reimbursement after they are demolished.

The acquisition program both reduces the flood damages and provides funds for flood victims to move forward with their lives. Properties are purchased for pre-flood fair market value minus any duplication of benefits.

If you are interested in applying, please contact Ron Davis at 217-524-7200 or [ron.davis@illinois.gov](mailto:ron.davis@illinois.gov).

### Statewide Contact for Floodplain Management Questions

If you have questions please direct them to Erin Conley, State Floodplain Manager, [Erin.C.Conley@illinois.gov](mailto:Erin.C.Conley@illinois.gov). The Northeastern Illinois Floodplain Manager position is currently vacant.