

United States Senate

April 16, 2024

The Honorable Deanne Criswell
Administrator
FEMA
500 C Street, SW
Washington, DC 20472

Mr. Robert Samaan
Regional Administrator, Region 4
FEMA
3003 Chamblee Tucker Road
Atlanta, GA 30341

Dear Administrator Criswell and Regional Administrator Samaan:

I would like to first thank you for your commitment and efforts in response to my concerns with Federal Emergency Management Agency's (FEMA) recent decision to retrograde the Community Rating System (CRS) rating of several municipalities in Lee County, Florida. I have spoken with several local officials in the affected area about the issue and their work to comply with FEMA's requests during the additional 30-day time window that was granted on April 8, 2024.

During my most recent conversation this week, the following requests were made by Lee County and local city officials to FEMA so they can better comply and productively work with the Agency to fulfill your requests for information and ultimately work to reverse the rating decision during this 30-day extension. I will meet with Lee County area officials again next week. Therefore, I would greatly appreciate FEMA's response to these inquiries to all stakeholders before that time so we can all continue to make meaningful progress on this important issue.

Requests for FEMA:

1. Regarding FEMA's "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758/May 2010, page 7.6), local officials are seeking verification on the two available options for communities concerning substantial damage determinations (*see below manual text and attached*).

*Excerpt from FEMA's Manual Text:*¹

7.5 Damage Assessments for Substantial Damage Determinations Communities have choices about how to handle making substantial damage determinations when many buildings have been damaged by a significant event:

¹ FEMA, "Substantial Improvement/ Substantial Damage Desk Reference," FEMA P-758. Published May 2010.

- *They can proactively inspect buildings soon after the event and use available information to estimate repair costs and market values; those data can then be used to develop substantial damage determinations in advance of owners submitting applications with more detail; or*
- *They can notify owners of the requirement to get permits and then wait for property owners to apply for permits and make substantial damage determinations at that time, following their normal permit review procedures.*

During a recent team meeting with FEMA Region 4 staff, local officials were informed that FEMA's preferred method is option 1 (first bullet above) and the manual is in the process of being amended. Local officials have concerns that the retrograde decision was based at least partially on a future amendment to FEMA's Substantial Improvement/Substantial Damage manual. **Please verify both options available to communities under section 7.5 comply with the National Floodplain Insurance Program's current floodplain management standards.** For example, due to the significant number of structures (51,818) located in the Special Flood Hazard Area and the lack of available resources after Ian, the City of Cape Coral utilized both available methods. Any future change to update the manual should be applied to future events and ratings.

2. To date, local officials have received some pictures and claims data from FEMA related to the properties in their Findings Report. However, they have not yet received individual assistance data or other documentation related to FEMA's Findings Report. **Please provide an update on when local officials can expect to receive this documentation.**
3. Local officials would like clarification on procedures and shared data. For example, the Town of Fort Myers Beach is still operating with the exact same procedures that it had in place prior to Hurricane Ian, at which time their rating was a five in the CRS rating system. **Local officials would like to know what happened to change the parameters so drastically that lead to FEMA's current position.**
4. Local officials have been told that FEMA would be releasing data that it compiled after the disaster, and that each affected municipality would receive the files no later than Friday, April 12th. Some local officials received their information late and have received files that cannot be accessed. **Please resend any documentation in a readily accessible format to local officials and confirm that all information has been shared with local officials to date, as promised.**

5. FEMA indicated local officials would have 30 days to respond to FEMA's concerns before issuing a decision to "retrograde" or "probation" (retrograde meaning eliminating the discount of on all flood insurance policies for a period of about 1 year, or probation, which also eliminates the discount on all flood insurance policies, but for an extended number of years). However, some local officials have not received the letter and are unclear in their understanding of when the "clock starts on the 30 days". **Please provide these letters to local officials with clarity on this language.**
6. There are concerns about understanding what data FEMA will rely on to make the retrograde and probation determination. The data requested is a relatively small subset of the flooded properties, while the total number of flooded properties is much larger, and the total number of properties in the potential flood zones, most likely receiving some discount on their flood insurance policies, is much larger still. **Please provide additional clarity to local officials about which subset(s) of data will be used by FEMA to make determination decisions.**
7. Several local officials expressed the need for additional time to comply with FEMA's requests beyond the 30-day extension. **Please confirm whether FEMA is willing to provide local officials with additional time to process, submit and comply with FEMA's request regarding their CRS determinations.**

I would like to extend my sincere gratitude for your assistance in our efforts to reverse FEMA's recent decisions regarding the CRS in the Lee County area. Your responses will be instrumental in ensuring the community's concerns are heard and addressed. Thank you for your prompt attention to my requests.

Sincerely,



Rick Scott
United States Senator

CC:
Lee County Board of County Commissioners
City of Cape Coral
Town of Fort Myers Beach

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Village of Estero