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Contact: Betsy Clayton, APR/CPRC
Communications Director
Lee County Government
239-533-2221
LeeCountyPIO@leegov.com

Lee County provides clarity related to FEMA's statements

County and cities want full transparency; update to be provided Tuesday at Board of County Commissioners' meeting

Fort Myers, FL, April 1, 2024 – Lee County Government would like to provide further clarification related to FEMA's announcement that it was altering discounts on National Flood Insurance Program (NFIP) premiums.

The county and its municipal partners are committed to full transparency as it relates to the FEMA determination.

"We are committed to working on behalf of our residents toward a resolution on this issue," said Lee Board of County Commission Chairman Mike Greenwell.

On Friday, county and city officials informed the public that FEMA late Thursday had verbally told them about the unanticipated rating change. Local governments were offered no written notification or documentation outlining specific details about the situation. During the weekend, FEMA indicated via several media outlets that it had sent letters to local jurisdictions.

The county would like the public to understand that local governments receive informational requests from FEMA frequently, especially since Hurricane Ian made landfall in 2022.

Several media outlets have referenced specific letters FEMA sent to Lee County since Hurricane Ian.

It should be noted that the county responded to each request from FEMA – and did so by FEMA's specified deadline. The county provided requested documentation.

After the informational requests were responded to, the county did not receive communications back from FEMA to indicate the documentation would result in a retrograding of the county's Community Rating System (CRS), which has consistently been a 5.

The county is continuing its fact-finding related to FEMA's move on Thursday to verbally inform the county the rating would be retrograded to a 10 effective Oct. 1, 2024.

It is important to note the retrograde effective Oct. 1, 2024, will not apply to all flood insurance policies. This will affect those with current CRS discounts.

This issue will be publicly discussed during the regularly schedule Lee Board of County Commissioners meeting at 9:30 a.m. Tuesday, April 2. "FEMA / National Flood Insurance Program (NFIP) Update" is listed under County Manager Items on the agenda recap. The agenda can be found at www.leegov.com/bocc/meetings/agendas.

The meeting will be streamed live on [LeeTV](#), [YouTube](#) and [Facebook Live](#). The meeting video will be available on [YouTube](#) after it ends. Regularly scheduled Board meetings are held in Board Chambers in the Old Lee County Courthouse, 2120 Main St., Fort Myers.

Previously released:

FEMA delivers late, devastating blow to Lee County residents already impacted by Hurricane Ian

Federal decision will affect those with flood insurance – and those in need of flood insurance in unincorporated areas and four cities

Fort Myers, FL, March 29, 2024 – Without any prior notice, FEMA verbally informed Lee County and some of its municipalities late Thursday that it was altering discounts on National Flood Insurance Program (NFIP) premiums that allow residents to save up to 25%, delivering a blow to the community as it continues to recover from the devastation of Hurricane Ian.

FEMA has provided no written notification or documentation outlining any specific details that would lead to this sudden rating change, which would take effect Oct. 1. The county's diligent work in FEMA's Community Rating System (CRS) has resulted in saving taxpayers a collective \$14 million to \$17 million annually in unincorporated Lee County alone. When considering the cities within Lee County, the savings is in the tens of millions of dollars.

Extensive efforts – particularly after Hurricane Ian – have been made to demonstrate to the federal government that the county and its city partners go above and beyond what's required to meet and exceed FEMA and NFIP standards. (See "What Lee County and its partners have done to ensure lower rates" below.)

"For the federal government to have made this decision without any prior discussions seems punitive," said Lee Board of County Commission Chairman Mike Greenwell. "Ian was the third costliest hurricane to hit the United States, and many of our residents are still reeling financially from its impacts."

About 699,000 residents live in areas that will be impacted by the FEMA decision – City of Bonita Springs, City of Cape Coral, Village of Estero, Town of Fort Myers Beach and unincorporated Lee County.

The City of Bonita Springs has spent years complying with the FEMA CRS Program successfully, Mayor Rick Steinmeyer said. "After being devastated by multiple hurricanes in recent years, the impact of this decision would be damaging to our residents. Our residents deserve the opportunity to appeal the decision. To withhold the option of an appeal is unacceptable."

Cape Coral Mayor John Gunter said he is "deeply troubled by the federal government's unilateral decision regarding altering Cape Coral's flood insurance rating." He also said, "The federal government must provide the support our community desperately needs to ensure they retain the discounts they currently receive on their national flood insurance premiums. The timing of this decision after our community suffered a devastating Category 5 hurricane is just wrong. Make no mistake – FEMA is the villain in this nightmare."

Town of Fort Myers Beach Mayor Dan Allers said, "Without warning or communication, a rash decision like this will significantly strain our residents struggling to recover from Hurricane Ian. The Town of Fort Myers Beach has always gone above and beyond to maintain our CRS rating and request FEMA suspend their decision."

Local government leaders are committed to addressing the issue with the federal government. The Lee County Attorney's Office is looking into what – if any – legal remedies are immediately available.

There are 51,103 NFIP policies in force in unincorporated Lee County, which has a population of about 388,000.

"County Administration and our Board want FEMA to suspend its decision until meaningful discussion can occur, so the county and its municipal partners have opportunities to address FEMA's concerns," Lee

County Manager Dave Harner said. "This is critical to mitigate the potential impact to our residents. There must be an appeal process."

Cape Coral City Manager Michael Ilczyszyn said, "I am partnering with County Administration and our City Council in calling for FEMA to immediately suspend its decision until meaningful discussions can occur, as we have worked hard over many years to attain the rating currently held. It's crucial that the county and its municipalities have opportunities to address FEMA's concerns. FEMA's decision was made without providing documented evidence of the alleged noncompliance. Despite the often upsetting and challenging work performed by City staff to enforce the substantial improvement/substantial damage (50% Rule) in the aftermath of Hurricane Ian, this notification doubles down the financial impacts our residents and businesses already suffered."

BACKGROUND:

Lee County for 17 years has had a National Flood Insurance Program (NFIP) rating low enough that flood insurance policy holders in unincorporated Lee County had a 25% discount on standard federal flood insurance policies – a discount collectively valued at \$14 million to \$17 million annually.

Every three years, the National Flood Insurance Program (NFIP) conducts a field visit to audit unincorporated Lee County's ongoing floodplain management activities and flood-mapping records. After the audit, Lee County receives notification that the county retains its Class 5 rating to earn the 25% discount in the NFIP's Community Rating System (CRS).

The CRS program was implemented by the federal government as a voluntary program for recognizing and encouraging community floodplain management activities exceeding the minimum NFIP standards. The CRS provides incentives in the form of premium discounts (in 5% increments) using a rating system from Class 10 (low) to Class 1 (high). Those activities include maintaining FEMA-established base flood elevations for new construction and providing community documentation, information and enforcement of FEMA's Flood Insurance Rate Maps.

WHAT LEE COUNTY AND ITS PARTNERS HAVE DONE TO ENSURE LOWER RATES:

- **Construction Certificate Management:** Credit is provided for having written construction certificate management procedures for all new and substantially improved/substantially damaged buildings. Floodplain-related construction certificates are also kept for post- Flood Insurance Rate Map (FIRM).
- **Map Information Service:** Credit is provided for furnishing inquirers with basic flood zone information from the community's latest FIRM. Credit is also provided for the community offering additional FIRM information, information about problems not shown on the FIRM and special flood related hazards. The service is publicized annually and records are maintained.
- **Outreach Projects:** Credit is provided for informational outreach projects, general outreach projects and targeted outreach projects. These projects are disseminated annually. Credit is also provided for having a pre-flood plan for public information. Credit is enhanced by having a Program for Public Information (PPI) and by having the information disseminated by stakeholders outside the local government.
- **Flood Protection Information:** Documents relating to floodplain management are available in the reference section of the Lee County Public Library. Credit is also provided for floodplain information displayed on the community's website.
- **Flood Protection Assistance:** Credit is provided for offering one-on-one advice regarding property protection and making site visits before providing advice. The service is publicized annually and records are maintained.

- **Open Space Preservation:** Credit is provided for preserving a percentage of the Special Flood Hazard Area (SFHA) as open space, protecting open space land with deed restrictions, and preserving open space land in a natural state. Credit is also provided for regulations and incentives that minimize development in the SFHA and protect natural shorelines and channels.
- **Higher Regulatory Standards:** Credit is provided for enforcing regulations that require freeboard for new construction and substantial improvement, foundation protection, protection of critical facilities, local drainage protection and elevation of new and replacement homes in existing manufactured home parks. Credit is also provided for the enforcement of building codes, a Building Code Effectiveness Grading Schedule Classification and regulations administration.
- **Flood Data Maintenance:** Credit is provided for maintaining and using additional map data in the day to day management of the floodplain. Credit is also provided for maintaining copies of all previous FIRMs and Flood Insurance Study reports.
- **Stormwater Management:** The community enforces regulations for stormwater management, soil and erosion control, and water quality.
- **Drainage System Maintenance:** Credit is provided for the regular inspection and maintenance of the community's natural drainage system, identified problem sites, storage basins and records are maintained. The community enforces a regulation prohibiting dumping in the drainage system and annually publicizes the regulation.
- **Flood Warning and Response:** Credit is provided for a program that provides timely identification of impending flood threats, disseminates warnings to appropriate floodplain residents, and coordinates flood response activities. Credit is also provided for the designation as a Storm Ready Community by the National Weather Service.

BY THE NUMBERS / FAST FACTS:

- Lee County joined the NFIP program in 1984.
- There are 51,103 NFIP policy holders in unincorporated Lee County with coverage of more than \$13 billion.
- Unincorporated Lee County joined the CRS program in October 1991 and achieved a Class 5 rating in 2007.
- A Class 5 rating allows for a 25% flood insurance discount.
- The value of this discount in unincorporated Lee County is \$14 million to \$17 million annually.
- All jurisdictions in Lee County are members of the NFIP and all participate in the CRS program.

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