



NOTICE

TO: Contractors, Residents, Plans Examiners, & BSD Managers

FROM: Wayne A. Francis, Building Official
Building Services Division, Planning and Growth Management Department

SUBJECT: DEFINITION OF SUBSTANTIAL IMPROVEMENT

The Hillsborough County Construction and Land Development Codes make reference to the requirement to elevate all new construction and substantial improvements within the Special Flood Hazard Area to be elevated above the design-flood elevation. As defined by Hillsborough County, substantial improvement is any reconstruction, rehabilitation, addition, new construction, manufactured home replacement or other improvement of a structure of manufactured home during a 12-month period measured from the date of final inspection or certificate of occupancy, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. The term includes structures that have incurred “substantial damage,” regardless of the actual work performed, or “repetitive loss.” Replacement cost or value is not an acceptable value for determining substantial improvement and is not a replacement for market value. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a “historic structure” provided that the alteration would not preclude the structure’s continued designation as a “historic structure.”

County codes have established that if the cost of the improvement exceeds 50% of the value of the structure before the improvement, then the improvement will be considered substantial and the entire structure must be elevated above the design-flood elevation. This requirement is consistent with minimum standards associated with the National Flood Insurance Program (Chapter 44, U.S. Federal Code of Regulations).

Attached to this memorandum are worksheets that will require completion by the permit applicant or applicant’s representative.

If County codes cause an undue hardship due to the configuration of the property, a variance may be requested through the Hillsborough County Flood Damage Control Board.

If you have any questions regarding this information, please contact Andrea Iverson or Eugene Henry of the Building Services Division at (813) 307-441 or (813) 307-4541 respectively.

EPH:ja

SUBSTANTIAL IMPROVEMENT/DAMAGE NOTICE TO PROPERTY OWNERS

*Rebuilding your Home after the storm?
Adding on, renovating, or remodeling your home?*

Here's information YOU need to know about ***the 50% Rule***.

If your home or business is below the 100-year flood elevation, Hillsborough County has flood damage control prevention regulations that may affect how you remodel, renovate, or add-on to your building. If your home or business sustained structural and/or interior damage, these regulations may affect how you rebuild. These laws are required in order for the County to participate with the National Flood Insurance Program, which assists in recovery from a future flood event. These laws must be enforced in order for federally-backed flood insurance to be made available to Hillsborough County residents and property owners.

Save yourself time, aggravation, and money. Please read the following information:

SUBSTANTIAL DAMAGE: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred (NOTE: the cost of the repairs must include all costs necessary to fully repair the structure to its before damage condition.)

SUBSTANTIAL IMPROVEMENT: Means 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.

If a building is "substantially damaged" or "substantially improved", it must be brought into compliance with Hillsborough County flood damage control regulations, including elevating the building to six-inches above the 100-year flood elevation.

Hillsborough County, following National Flood Insurance Program (FEMA) requirements, has the responsibility to determine "substantial damage" and "substantial improvement" and has implemented the following procedures to do so:

- Hillsborough County will estimate Market Value by using the tax assessment value of your structure (excluding the land),

If you disagree with this estimate of Market Value, you may hire a state licensed appraiser and submit a comparable property appraisal in which depreciated value of the structure has been calculated.

- You must submit to Hillsborough County a detailed and complete cost estimate for the addition, remodeling, reconstruction or repair of all the damages sustained by your home, which has been prepared and signed by a licensed general contractor or design professional. The contractor must sign an affidavit indicating that the cost estimate submitted includes all damages or all improvements to your home. (See copy attached).

Hillsborough County will evaluate the cost of improvements or repairs and determine if they are fair and reasonable and in accordance with the cost of construction with the Tampa Bay area as described within the _____. For damage repairs, pre-storm prices and rates will be utilized. The cost of improvements or repairs does not include items not considered a permanent part of the structure (i.e., Plans, Surveys, Permits, Sidewalks, pools, screens, sheds, Gazebos, Fences, etc.). (See attached form.)

- If your home is determined to have “substantial damage” or is proposed to be “substantially improved”, then an Elevation Certificate must be submitted to Hillsborough County to determine the lowest floor elevation. Garages and carports are not considered to be the “lowest floor” unless such is to be used for living area.
- If the lowest floor is below the 100-year flood elevation, the building must be elevated to or above that design flood elevation. Likewise, all electrical and mechanical equipment (heating and cooling, etc.), bathrooms, and laundry rooms must be elevated above the design flood elevation. Only parking, building access, and limited, incidental storage is allowed below the design flood level. (Velocity zones and regulatory floodways have further restrictions).

If the lowest floor, electrical and mechanical, equipment, laundry and bathroom are already above the 100-year flood elevation, the building can be repaired and reconstructed without further modifications.

- Building plans must be prepared to show how the building is to be elevated. If located in a velocity zone or regulatory floodway, or if the building is to be floodproofed, additional requirements and certifications exist. These plans must be prepared and certified by a registered professional engineer or architect. Certificates for this purpose are available from the Development Services Division.
- Following a presidential disaster declaration, the Federal Emergency Management Agency or the Small Business Administration may make loans available for both house and businesses for purposes of elevating the structure to or above the 100-year flood elevation. Proof of “Substantial damage” from Hillsborough County is required.

SUBSTANTIAL IMPROVEMENT/DAMAGE

ITEMS TO BE INCLUDED IN ESTIMATING COST:

All structural elements including but not limited to:

- Spread or continuous foundation footings and pilings,
- Monolithic or other types of concrete slabs,
- Bearing wall, tie beams and trusses,
- Wood or reinforced concrete decking or roofing,
- Floors and ceilings,
- Attached decks and porches,
- Interior partition walls,
- Exterior wall finishes (e.g. Brick, stucco, or siding) including painting and decorative moldings,
- Windows and doors,
- Reshingling or retiling of roof, and
- Hardware.

All interior finish elements, including but not limited to:

- Tiling, linoleum, stone, or carpet over sub-flooring,
- Bathroom tiling and fixtures,
- Wall finishes, e.g. drywall, painting, stucco, plaster, paneling, marble, or other decorative finishes,
- Kitchen, utility and bathroom cabinets,
- Built-in bookcases, cabinets, and furniture, and
- Hardware.

All utility and service equipment, including but not limited to:

- HVAC equipment and duct work,
- Repair or reconstruction of plumbing and electrical services,
- Light fixtures and ceiling fans,
- Security systems,
- Built-in kitchen appliances,
- Central vacuum systems, and
- Water filtration, conditioning or recirculation systems.

Also:

- Labor and other costs associated with demolishing, removing or altering building components, and
- Overhead and profit.

SUBSTANTIAL IMPROVEMENT/DAMAGE

ITEMS TO BE EXCLUDED:

- Plans and specifications,
- Survey costs, and
- Permit fees.

- Debris removal (e.g., removal of debris from building or lot, dumpster rental, transport fees to landfill and landfill tipping fees), and
- Clean-up (e.g., dirt and mud removal, building dry out, etc.)

Items not considered real property such as: throw rugs (carpeting over finished floors), furniture, refrigerators, stoves not built-in, etc.

Outside improvements, including:

- Landscaping,
- Sidewalks,
- Fences,
- Yard lights,
- Swimming pools,
- Screened pool enclosures,
- Sheds,
- Gazebos,
- Detached structures (including garages), and
- Landscape irrigation systems.

ITEMS REQUIRED TO DETERMINE SUBSTANTIAL DAMAGE/IMPROVEMENT

Applicant must submit the following (Make sure to have extra copies for your files):

1. Complete the attached application.
2. Detailed Cost of Improvement/Reconstruction Estimate and Affidavit, signed by a general contractor or licensed design professional and a copy of the license.
3. Elevation Certificate or elevation survey.
4. Current photos, or photos before and after the storm (if available).
5. Floor plan drawing (if available).
6. Owner's affidavit signed and dated.
7. Contractor affidavit signed and dated.

GUIDELINES TO COMPLETE THE ATTACHED RECONSTRUCTION/IMPROVEMENT COST ESTIMATE

Reconstruction/Repair Ratio – Percentage of item that must be repaired or reconstructed.
(Example: the home has 2 windows, only 10 were damaged and are being replaced; ration should equal 50%)

ITEMS	COST	RECON/REP AIR RATIO OF WORK	OFFICIAL USE
	LABOR & MATERIAL		
Concrete, Form, Etc.	\$4,500.00	40%	
Carpentry Material	\$9,004.00	100%	
Doors/Windows, Shutters	\$2,046.00	50%	

ESTIMATED COST OF RECONSTRUCTION/IMPROVEMENT

FOLIO # _____

ADDRESS _____

This Cost Estimate of Reconstruction/Improvement must be prepared and signed by a Licensed General Contractor

ITEMS	COST		Construction/Repair Ratio of Work	Official Use
	Labor	Materials		
Concrete, Form, Etc.				
Carpentry Material (rough)				
Carpentry Labor (rough)				
Roofing				
Insulation & Weather Strip				
Exterior Finish (stucco)				
Doors, Windows & Shutters				
Lumber Finish				
Carpenter labor, finish				
Hardware, (finish)				
Hardware, (rough)				
Cabinets (built-in)				
Floor covering (tile/rug)				
Plumbing				
Shower/Tub/Toilet				
Electrical				
Light Fixtures				
Built-in Appliances				
HVAC				
Paint				
Demolition and Removal				
Overhead and Profit				
TOTAL				

(Please attach any additional information)

Contractor's Name: _____ CGB Lic #: _____

Address: _____ Phone # _____

Signature: _____ Date: _____

CONTRACTOR

RECONSTRUCTION/IMPROVEMENT AFFIDAVIT

FOLIO #: _____ - _____ - _____ - _____

Contractor's Name: _____

Address: _____ License #: _____

Property Address: _____ Phone #: _____

I hereby attest to the fact that I, or a member of my staff, personally inspected the above mentioned property and produced the attached itemized list of repairs, reconstruction, and/or remodeling list that are hereby submitted for a Substantial Damage/Improvement Review. These damages/improvements are **ALL OF THE DAMAGES/IMPROVEMENTS** sustained by this structure, and that all additions, improvements, or repairs proposed on the subject building are included in this estimate.

I understand that I am subject to enforcement and penalties for violation action and/or fines if the inspection of the property reveals that I have made repairs or improvements **NOT INCLUDED ON THE ATTACHED LIST OF REPAIRS/IMPROVEMENT** to **THIS STRUCTURE** or any non-conforming or illegal structures/addition, or repairs included to the existing structure without having presented plans for such additions. I understand that any permit issued by Hillsborough County pursuant to this affidavit does not authorize the reconstruction, repair or maintenance of any illegal additions, fences, sheds or non-conforming uses or structures on the subject property.

See Attached Itemized List

Total Labor & Materials	\$ _____
Overhead & Profit	\$ _____
Total Cost	\$ _____

STATE OF _____ Affidavit
COUNTY OF _____

Before me this day personally appeared
Who, being duly sworn deposes and says that he/she has read, understands, and agrees to comply with all of the aforementioned conditions.

Contractor's Signature Date: _____

Sworn to an subscribed before me this _____ day of _____
A.D., Year: _____

Notary Public State of _____

My commission expires _____