



FEMA

July 19, 2024

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Michael Ilczyszyn
Manager, City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, FL 33930

Re: National Flood Insurance Program Participation

Dear Mr. Ilczyszyn:

I'd like to thank you and your staff for the long hours and hard work that have occurred during the last two months to help correct the City of Cape Coral's issues regarding the National Flood Insurance Program (NFIP). Our teams have made great progress in helping ensure the city and their residents are more resilient and prepared for future storms.

Our team has completed its review of the city's compliance with the minimum floodplain management standards and everything that has been done to correct any deficiencies and violations.

We acknowledge the work invested by you and your team has resulted in some improvements to meet minimum floodplain management standards, and I appreciate your leadership in this area. However, as the City of Cape Coral continues to recover from Hurricane Ian, FEMA finds that outstanding compliance issues remain. FEMA will not retrograde the City of Cape Coral's class rating at this time.

Although FEMA will not retrograde the City of Cape Coral's class rating at this time, if the violations are not corrected or remedied by Nov. 18, FEMA's regulations (Title 44 Code of Federal Regulations 59.24(b) Suspension of Community Eligibility) require us to place the city on probation. This letter starts the official notification process. In addition, the city would no longer be eligible for Community Rating System participation and would be retrograded to Class 10 effective on April 1, 2025.

This letter and its attachments include FEMA's findings and our proposed next steps for the City of Cape Coral to remedy outstanding deficiencies and violations. These deficiencies and violations are described in the attached documents, specifically the Status Report. To avoid probation in 121 days, the city must correct deficiencies and remedy all identified violations to the maximum extent possible by Nov. 18.

You have my commitment of support as you work through these issues with your team.

A careful review of the data you provided since April shows that the implementation of the City of Cape Coral's floodplain management program has several deficiencies that remain out of compliance. During the 60-day review period, the city submitted additional permitting information for 206 structures in the floodplain.

Here is a summary of some of the items that the City of Cape Coral needs to remedy:

- Lack of permits for development in the Special Flood Hazard Area.
- Lack of maintaining permit records for development, new construction, or substantial improvements.
- Failure to make substantial improvement (SI) and substantial damage (SD) ("SI/SD") determinations.

FEMA staff reviewed each of the submitted permit packages and learned:

- 40% of the permit packages were complete.
- 4% needed a Community Assistance Visit follow up.
- 50% were ongoing in a Code Enforcement Case.
- 6% will be followed up on during a Future Compliance Engagement.

FEMA also found:

- 71 out of the 206 permit packages submitted did not include permits for structures that sustained documented damage.
- 125 of the 206 were missing itemized/detailed cost information for repair performed.
- 82 of the 206 had individual permits issued without total repair costs.

To avoid probation, the City of Cape Coral must complete the following items by close of business on Nov.18. We encourage regular communication to share updates on your progress.

The city must remedy the following identified deficiencies as of Nov. 18, 2024:

1. Within 60 days of the date of this correspondence, September 16, 2024, develop and submit a plan that includes timelines and actions to address all identified program deficiencies and violations to the maximum extent possible.
2. Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations:
 - a. From FEMA's April 8, 2024 letter:
 - i. Provide a status update for structures deemed Substantially Damaged on the list provided by the City of Cape Coral in accordance with the April 11, 2024, letter sent to the FEMA Region 4 Administrator.
 - ii. Provide evidence to support compliance action taken for the structures identified as having damage and FEMA identified as Future Compliance Engagement, Community Assistance Visit follow-up, and additional information needed.

- b. In addition to the above, provide an assessment of all floodplain development impacts from Hurricane Ian to structures in the Special Flood Hazard Area and provide a plan for remedying any identified violations.
3. Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant. When a violation is confirmed, remedy to maximum extent possible. This includes:
 - a. In Item 2 above, structures identified during the evaluation as a Code Enforcement Case
 - b. Structures identified when assessing the Special Flood Hazard Area for all Hurricane Ian impacts to structures.
4. Put a process in place to ensure substantial damage compliance for future events.

You have my commitment to continue to support you and your team as you take the necessary compliance measures to avoid probation and possible suspension from the National Flood Insurance Program.

If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jacky Bell, Mitigation Division Director, at jacky.bell@fema.dhs.gov or 404-273-4710.

Sincerely,



Robert D. Samaan
Regional Administrator

Attachments:

- Community Status Reports
- Criteria for Avoiding Probation

cc:

Wyatt Daltry, Planning Team Coordinator/Floodplain Administrator
Jason Hunter, Region Floodplain Management & Insurance Branch Chief
Jillian Kraynak, Florida NFIP State Coordinator
Office of Sen. Marco Rubio
Office of Sen. Rick Scott
Office of Rep. Byron Donalds
Office of Rep. Greg Steube