

FEMA: First-level rooms must go

By TIMOTHY O'HARA Citizen Staff

The Federal Emergency Management Agency has rejected Monroe County's request for amnesty for homeowners who have had illegal downstairs enclosures since 2002.

FEMA on Wednesday sent a letter to County Administrator Roman Gastesi stating the proposal is "unacceptable."

"The limited-amnesty proposal is not in keeping with the county's responsibility to protect the health, safety and welfare of its citizens," FEMA Director of Mitigation Brad Loar wrote. "The county needs to take ownership of the fact that those non-compliant enclosures increase the life-safety threat to citizens who live in lower level enclosures who may be unaware that they live several feet below the base flood elevation."

FEMA has evidence that illegal downstairs enclosures can increase the damage to the foundation and elevated portion of a building, Loar said.

Loar, who is based in the Atlanta office, was adamant about the county continuing its inspection and enforcement program, and threatened to put the county on probation if it unilaterally granted amnesty to homeowners.

County Commissioner Mario Di Gennaro on Wednesday vowed to take the fight to the top FEMA administrators.

"I am extremely disappointed," he said. "We are not done. We are going to take this all the way to Washington, D.C."

Downstairs enclosures are legal if they are less than 300 square feet and used only for storage space, and illegal if they are used for living space.

The county and FEMA agreed to a program, which went into place in 2002, that allows county code enforcement officers to inspect people's property for illegal enclosures when a homeowner requests a building permit, regardless of whether the planned work is tied to the enclosure.

That was put in place to keep the county from being kicked out of the National Flood Insurance Program. If the county were to adopt an amnesty policy, county flood plain management rules would be deemed non-compliant and would not meet the requirements of the National Flood Insurance Program, Loar wrote.

County Mayor George Neugent and Di Gennaro in recent months had been lobbying FEMA to approve the amnesty policy. The commission approved the amnesty proposal after a grass-roots homeowners group, Citizens not Serfs, began holding a series of community meetings on the issue. Citizens not Serfs pulled its support for the proposal after group members learned the county plan did not grant amnesty for all homeowners.

To "undo" the enclosures, homeowners would face spending thousands on the work and losing thousands in property value.

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