

§ 199-6. **Certificate of Flood Damage Prevention Compliance.**

- A. The purpose of this section is to require an inspection of buildings, structures, or units prior to the transfer of title to determine compliance with City Code Section 258-17E (Flood Damage Prevention), but only with respect to the minimum number of flood vents.
- B. Transfer of building, structures, or units. Except as specified in Subsection E, below, no person or entity shall sell or transfer title to any building, structure, portion of structure, or unit in a structure until such person or entity shall have first requested and obtained a certificate of flood damage prevention compliance certifying the following:
  - (1) Designation of the unit(s) or structures covered by the certification of flood damage prevention compliance;
  - (2) That the building, structure, part of the structure, or unit(s) in the structure, as the case may be, are in compliance with the provisions of City Code Section 258-17E (Flood Damage Prevention), but only with respect to the minimum number of flood vents.
- C. An applicant for a certificate of flood damage prevention compliance must submit a flood elevation certificate to the Floodplain Manager before a flood damage prevention certificate may issue. A flood elevation certificate must reflect the most recently adopted Flood Insurance Rate Map.
- D. A certificate of flood damage prevention compliance shall be valid for five years from the date of issuance.
- E. If, after an inspection, a certificate of flood damage prevention compliance may not be issued because of non-compliance with this §199-6, notice shall be given to the applicant detailing the violations. All noted violations shall be abated prior to closing; but title may be transferred before the noted violations are abated if the buyer signs an acknowledgment of the deficiencies, assumes the risk, and agrees to undertake compliance pursuant to this section within 90 business days after closing. If buyer fails to abate the violation within the specified time period, buyer shall be subject to fines and penalties for noncompliance.
- F. Exceptions: A certificate of flood damage prevention compliance shall not be required:

- (1) Where a certificate of occupancy has been issued in connection with new construction within two years of a transfer; in such case where a portion of a new structure or unit(s) therein is transferred within two years subsequent to the issuance of a certificate of occupancy;
  - (2) Where title to a building or structure is being transferred without consideration to an entity owned or controlled by the transferor or to a person related to the transferor;
  - (3) Where the buyer signs a certification stating that the buyer does not intend to utilize the structure or building for human occupancy and intends to demolish the structure or building within 90 days after transfer (which time period will be tolled if demolition is unable to occur between Memorial Day and Labor Day); or
  - (4) Where title to a building or structure is being transferred by reason of foreclosure or deed in lieu of foreclosure to lender, a holding company related lender or its designated loan servicer; however, a sheriff's sale transferring the building or structure to an unrelated third party shall not be exempt.
- G. If a flood code compliance certificate has issued within two years to any association representing a condominium complex containing more than one dwelling unit in a single structure, no unit within that structure shall be required to obtain a certificate of flood damage prevention compliance.