



Questions and Answers October Flood Recovery Open Houses

512-974-2843 (Floodplain Hotline)

<http://www.austintexas.gov/onioncreek>

Debris

1. Did the City of Austin clean up debris in water areas after the flood?

Watershed Protection Department crews and contractors removed debris from City of Austin property, rights of way and drainage easements after the October 2013 floods. The department has removed more than 200 tons of flood-related debris since the October floods. This amount does not include the debris removed by other City departments.

2. There is a lot of remaining debris and rodents.

Watershed Protection has cleared all debris from City right-of-way and easements that may pose an ongoing threat to the conveyance of water through the drainage system. Debris removal on private property is the responsibility of the owner. Watershed Protection also maintains the properties that are purchased as part of the City buyout program. Vegetation is managed once the property is actually owned by the City, prior to demolition. Once the structure is removed, Watershed Protection ensures routine vegetation maintenance is performed on the property.

3. What are you doing to improve water flow?

The Watershed Protection Department provides routine vegetation management in channels that have been determined to require specific maintenance in order to ensure storm water conveyance. Further, the department routinely monitors roadway crossings for any potential blockage associated with debris prior to and just after storms. Staff investigates site-specific channel maintenance, debris and drainage concerns submitted through 3-1-1 calls.

Flood Warning and Safety

4. Besides gauges, what other way is there to measure the water level? There aren't enough gauges. Will there be more?

The gauges are the best and safest way to remotely monitor water levels during a storm. Flood warning staff also get water level information from City staff verifying the level in real-time at the location. There are ten USGS gauges in the Onion Creek watershed, which includes several smaller watersheds. Within that group, three gauges are located along Onion Creek proper. The City and the USGS are currently evaluating locations for another gauge in the Onion Creek watershed. Once a location is determined, it will probably be installed sometime during the 2015 calendar year.

You can access gauge information online in several ways.

- USGS information for Austin, Texas, is available on the City of Austin website:
www.ci.austin.tx.us/fews/water_level.cfm
- You can also go to the USGS web pages and searching for water level gauges for Texas:
http://waterdata.usgs.gov/TX/nwis/current?type=flow&group_key=county_cd&search_site_no_station_nm=
- The LCRA operates a water level gauge on Onion Creek at FM 976 in Buda, Texas. Access LCRA's gauge information at hydromet.lcra.org/full.aspx
- The National Weather Service posts forecasts on the Onion Creek gauge located at US Highway 183 online:
water.weather.gov/ahps2/hydrograph.php?wfo=EWX&gage=ATIT2

As part of a pilot project, the City of Austin will install web-based cameras that can be viewed on ATXFloods.com. Preliminary locations for the cameras are as follows:

- Bluff Springs Road at Onion Creek (near Brandt Road)
- E. William Cannon Drive at Onion Creek
- River Plantation Drive at Onion Creek

We anticipate that these cameras will be available late 2014. These cameras should help provide real-time information on the availability of key access routes into and out of the Onion Creek subdivisions.

5. TV and radio are good ways of notification, but what if there's no electricity? Bullhorn? Helicopter? Flares/Fireworks from a hill?

The following are good ways of notification if the power goes out:

- A NOAA Weather Radio, programmed to receive all weather-related alerts for Travis County. These radios are battery/AC powered and should alert with tone, voice, and light. The NOAA weather radios delivered in backpacks during the Onion Creek Open House meetings were pre-programmed to Travis County and turned ON with batteries. Please be aware that the batteries in the radios last only a short time. We recommend keeping the radios with fully-charged batteries, plugged into a wall outlet at all times. Reception will be better if it is placed near a window. You should always have extra batteries on hand.
- Regional Notification System. Register your cell phone at alertregistration.com/capcog/. Check all of the boxes pertaining to weather alerts and warnings. This system is designed to provide alerts for a more specific area than the NOAA weather radios. In other words, weather warnings specific to the Onion Creek area will be broadcast by phone, email or text.

- ATXfloods Alerts. Subscribe at <http://www.atxfloods.com/alerts.php>. These alerts can be received by text, email or phone. They can be sent to even more specific areas than the Regional Notification System network.
- Integrated Public Alert & Warning System (IPAWS). This is part of the nation's alert and warning infrastructure and is used for cell phone alerts. The City of Austin Homeland Security and Emergency Management Department is authorized to use this warning system. Please check with your phone carrier to determine if your phone can receive IPAWS messages. If your phone will receive IPAWS messages, the system should work without any additional programming on your part.

6. The Austin Fire Department does hazard assessments for fire. Can this be done for flooding?

The Austin Fire Department conducts free fire safety inspections and installs smoke alarms at homes throughout the Austin area as part of its regular community outreach activities (for more information, please call 512-974-0299). Although the City does not have a similar service for flooding, we offer a variety of sources for the public to learn about their flood risk and plan accordingly to protect their family and themselves from flood hazards. Residents can find out if they are in a floodplain at ATXFloodPro.com or over the phone. You can view flood safety tips on at www.austinfloods.org or you can also schedule an appointment with Watershed Protection staff at our offices to discuss strategies to reduce flood damages on your property. Please leave a message at 512-974-2843 or send an email to floodpro@austintexas.gov.

Flood Mitigation Projects

7. How does the City determine where to do flood mitigation projects?

The Watershed Protection Department has developed a method for identifying structures and roadways at risk of flooding and for determining the level of risk compared to other areas citywide. This method, which is based on the depth and frequency of flooding, leads to a flood score that provides an initial prioritization for potential future projects. The next step involves the careful evaluation of each at-risk area to determine the best solution, such as channel modifications, roadway crossing improvements, detention ponds, diversion channels and buyouts. Feasibility assessments are conducted to evaluate potential solutions and identify the benefits and costs associated with each. Through the feasibility assessment, the most effective and appropriate solution is identified for a flood-prone area. Buyouts may be selected as the best strategy in cases where other solutions are not feasible or are not cost-effective.

The lower Onion Creek area, near William Cannon and Pleasant Valley, is currently the City's highest priority for flood hazard mitigation. After lower Onion, the middle portion of the Williamson Creek watershed near Heartwood Drive and Radam Circle is the next highest priority for flood mitigation.

Floodplains

8. Where did the City of Austin get current floodplains?

The current floodplain delineations for Onion Creek were developed as part of a U.S. Army Corps of Engineers feasibility study completed in October 2006. This study provided a comprehensive analysis of flows and water levels and evaluated potential flood control solutions in the Onion Creek watershed. The recommendations from the study ultimately resulted in the buyout program that removed 323 homes from the Onion Creek floodplain prior to the Halloween flood. The engineering and mapping work from the study was used by the City's mapping contractor, in cooperation with FEMA, to produce the current floodplain maps, which became effective in September of 2008.

Flood Insurance

9. Is flood insurance getting more expensive?

Yes, most homeowners will see some sort of rate increase for flood insurance. Several recent pieces of legislation have made changes to the National Flood Insurance Program. Most policies that are currently receiving subsidies will continue to receive them. However, policy holders may see increases over time as those subsidies are phased out. People with questions about how the recent legislation affects their specific policy should speak with their flood insurance agent.

Buyout Status

10. How does the City determine the priorities within the lower Onion Creek buyout area?

In 2006, the Army Corps of Engineers determined which properties needed to be acquired for their partnership project with the City. The properties within that project area were prioritized based on risk of structural flooding by comparing the elevation of the finished floor to the floodplain elevation. Prior to 2006, the City had already been acquiring properties based on risk, and all of the buyouts to date have been within that Army Corps project area.

The funding approved by Council in June 2014 was the first funding that we have received for buyouts in the Onion Creek area outside of the Army Corps project area. However it was not enough funding for us to offer buyouts to all remaining properties at risk in the area. Watershed Protection chose the properties at the highest risk of flooding (those at risk in the 25-year floodplain) for this phase. Because the ground elevation and the finished floor elevations of houses vary, not all houses on a given block will be at the same risk of structural flooding.

In September, the Austin City Council authorized funding to buy out most of the properties in the 100-year floodplain near William Cannon and Pleasant Valley. We will determine which properties to include based on survey data of the finished floor elevations of the houses.

11. What is the status of buyouts for the remainder of Corps area?

The Army Corps of Engineers received their first appropriation of federal funding for the buyout partnership project in 2014. The City's share of this funding, between \$8 and \$10 million, will be used to begin the buyout process for the properties that still remain within the Corps project area. This is 65 properties, as of August 26, 2014.

Buyout Process and Timeline

The following information applies to the currently funded buyouts. Buyout policies and procedures are determined based on the source of the funding, so future buyouts may have policies that differ from those below.

12. Do I still keep homeowners insurance if I'm in buyout?

During the buyout process, you should continue to carry all required insurance on the property and make all payments for utilities and taxes.

13. If I'm interested in participating in the project, what do I need to do?

If funding for a buyout of your property has been approved, you will be contacted for a meeting with a City representative. The City will meet with you to explain the buyout process and timeline, assist you in completing all the necessary forms, go over any issues that will need to be resolved before closing in reference to the title of your property and answer any questions.

14. What information should I have ready for my appointment?

If you are an owner, please bring receipts for any repairs made after the flood or rental agreements, if available or applicable. Tenants will be interviewed at a later date, but should be prepared to provide proof of monthly rental expenses, documentation supporting utility expenses and verification of household income. During the buyout process, you should continue to carry all required insurance on the property and make all payments for mortgages, utilities and taxes.

15. How will the value of my property be determined?

Prior to making an offer to purchase, the City will arrange for an independent appraiser to appraise your property. The appraiser will inspect your property and set forth an opinion of its current fair market value in a formal appraisal report.

16. How does the Travis County Appraisal District (TCAD) assessed value affect the appraisal/offer amount for my home as part of the buyout?

The independent appraiser hired to perform the appraisals on the homes will not be using the TCAD assessed value as a basis for their valuation process. Although the TCAD value is part of the individual property information, the appraisal will be based on the appraiser's own analysis and valuation methodology.

17. What is fair market value?

Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open, competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.

18. How long will the appraisal take once I have notified the City of my willingness to participate?

You will receive an appraisal and offer approximately 45 to 60 days after the appraiser inspects your property. However, if problems exist with the title to your home, they may delay the offer and closing. You can help by providing the necessary documents to resolve any title issues. The City's representative will explain what is needed in order to obtain clear title at the first meeting.

19. Will I have a chance to talk with the appraiser?

Yes. You will be invited to accompany the appraiser during the inspection of your property. It is in your best interest to provide the appraiser with as much useful information as you can and point out any special features you feel may add to the value of your property. You may be asked to give the appraiser additional information. If you are unable to personally meet with the appraiser, you may want to send a qualified representative who is familiar with your property.

20. How much will the city pay for my property?

A City representative will present you the appraisal and a written offer to buy your property. The written offer will be for the amount of the approved appraisal. If the offer is acceptable, each owner should sign a copy of the contract and return it for processing no later than 30 days after the offer was presented to you. Under special circumstances, this 30-day period can be extended. Upon execution by the City, the contract becomes a binding agreement.

21. What if I do not agree with the appraisal?

If the offer is not acceptable to you, you may appeal the City's offer. You may decide to hire a competent, independent, real property appraiser, approved by the City, at your own expense. Prior to hiring an appraiser, please check with the buyout office if your appraiser is approved. Your counter offer and appraisal must be sent to the City no later than 60 days after the City's initial offer was presented. The City will review the appraisal and determine if any adjustments can be made to the appraised value. If your appraisal is adjusted, a revised offer will be made. You must let the City know your intentions within 30 days after the new offer is presented.

22. During negotiations with the City, may I be represented by an attorney or an appraiser?

Yes. If you are unfamiliar with real property values and how they are determined, or if you have questions of a legal nature, you may wish to retain the services of a real property appraiser or an attorney, or both, to help in your negotiations. Their fees, however, will be paid by you and are not reimbursable.

23. If I accept the offer, how long can I stay in my property?

The property must be vacant on the date of closing, and failure to vacate the property could delay your closing. An inspection will be done on the day of closing. However, you will NOT be required to move without at least 90 days advance written notice. You should NOT move before receiving a notification explaining eligibility for relocation assistance. Under special circumstances, the closing date may be delayed beyond 90 days, but these situations will be evaluated on a case-by-case basis.

24. When will I be paid if I agree to the amount offered?

You will be paid for the property on the closing date, but relocation benefits may be paid at a later date depending on your circumstances. The City will work with you to schedule a closing date, ideally within 90 days after acceptance of the offer. However, if there are title problems, it may delay the closing. You can help speed up the closing process by obtaining the necessary documents to clear the title. The City's representative will explain what is needed in order to obtain clear title. Remember, the property must be vacated on the date of closing.

25. Can I remove any fixtures on the property?

Removing fixtures could impact the value of your property. You should discuss those issues with City staff during your initial meeting.

26. What kind of relocation assistance will I receive?

If your property is owner-occupied or tenant-occupied, you will receive relocation benefits as outlined in 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. You can access the code at www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl. All eligible displacees are eligible for Advisory Services and Payment for Moving Expenses of any personal property located at the home. Eligible displacees that occupy the home will be eligible for a Replacement Housing Payment or Rental Assistance Payment, while non-occupant owners may be eligible for separate benefits as a landlord business.

27. How much assistance will I get?

You will be contacted personally and interviewed by a Relocation Agent to determine your needs and preferences for replacement housing and advisory services. Replacement housing payments will vary depending on individual circumstances and the current Austin real estate market.

28. How do I become eligible for a replacement housing payment?

The replacement home must be inspected to ensure that it meets the federal definition of decent, safe and sanitary before you enter into an agreement to rent or purchase replacement housing. Replacement housing payments will vary depending on individual circumstances and needs. In order to claim your replacement housing payment, you must purchase and occupy a decent, safe and sanitary replacement home within 12 months from the date of closing of the sale of your property to the City.

29. How will I be assisted in finding a replacement dwelling?

Please note that the City does not act as your agent in finding and securing a replacement home. However, the City can provide transportation to view a replacement home and information regarding:

- Available comparable decent, safe and sanitary housing
- Federal, state and local housing programs
- Referrals for employment, health, welfare and legal assistance
- Help in completing any required applications and claim forms.

Remember, before you commit yourself to rent or buy a replacement home, it must be inspected by staff to determine if it meets decent, safe and sanitary conditions.

30. What if I don't want to sell?

The City's goal is to eliminate the risk of flooding to people and properties in this area. It is our goal to reach amicable agreements with every property owner for the acquisition of their flood-prone property. However, if an amicable agreement cannot be made, the City Council can decide to use eminent domain to acquire the property. If your property was substantially damaged and you decide not to sell, you will have until the date provided in the substantial damage letter to submit plans to bring your home into compliance with City code.

31. Can people who participated in the previous buyout be reimbursed for any flood insurance money that was deducted?

During the buyouts that took place after the Halloween Flood, the City of Austin made offers based on the pre-flood value of the home. This required us to deduct any federal flood insurance payments that had not been spent on repairs to the house. This is because federal law prohibits individuals from receiving payments from both local government and the federal government for the same thing, in this case compensation for damage to the house, also known as duplication of benefits. For future buyouts, the City will be making offers based on the current condition of the house, which means there is no duplication with the flood insurance program and we will **not** have to deduct flood insurance payments. It is our sincere hope that people who participated in the past buyouts are happy in their new locations and satisfied with the compensation they were given. We cannot retroactively change the previous buyouts to post-flood conditions or reimburse people for any flood insurance deductions.

32. What is the status of buyouts in the Williamson Creek watershed?

A City Council resolution requested us to explore options for buying approximately 70 homes at risk of flooding in the middle portion of the Williamson Creek watershed. In September, the Austin City Council authorized funding for voluntary buyouts. We are currently gathering data to determine which properties have the highest risk and should be included in the buyout program and determining the policies for acquisition.

33. May I proceed with selling my house while there's a buyout process?

The City of Austin is not a party to private real estate transactions. However, we encourage all potential property owners to educate themselves about the risks associated with purchasing properties in the floodplain. You must disclose to any potential buyers that the house has flooded, is located in a floodplain, the substantial damage designation and that it is in a buyout area.

34. Will/can there be a bond election for flood buyouts?

The City Council has decided not to pursue a bond election for floodplain buyouts at this time.

35. Is the ongoing litigation with the drainage fee affecting the buyouts?

The ongoing litigation involving the Drainage Utility Fee has not affected the buyouts.

Substantial Damage

36. Was my home substantially damaged?

Letters were mailed to homeowners in July 2014 informing them if their home was substantially damaged or not. If you live within the areas affected by the Halloween flood, you should have received a letter either way. If you did not receive a letter, please contact the floodplain office at 512-974-2843.

A map of substantially damaged houses is available at www.austintexas.gov/onioncreek.

37. What are the rules if the damage to your home is less than 50 percent of its pre-flood value (i.e. not substantially damaged)?

Homes that are not substantially damaged can be repaired to their pre-flood condition. If they do not meet current floodplain rules, they are considered an existing nonconforming use. City code says that you can maintain a structure that is an existing nonconforming use, but you are prohibited from making any alterations or additions that increase the nonconformity. This includes cumulative substantial improvement over a 10-year period. Substantial improvement is defined as improvements, including repairs, that over any 10-year period improve the value of the structure by more than 50 percent. This means that if a home suffered 30 percent damage in

the Halloween flood, then for the next ten years, any work on the home that added up to more than 20 percent of the value of the home would constitute a substantial improvement and the home would have to be brought into compliance with current floodplain regulations the same as if it had been substantially damaged.

38. How was substantial damage determined?

The City determined substantial damage based upon three factors: the pre-flood value of the structure, depth of flooding and cost to repair. Pre-flood value of the home was determined with the help of a market analysis completed by the City's Real Estate Department. In addition, we compared this value to the 2013 Travis County Appraisal District improvements value. We used the higher of these two values. Depth of flooding was determined based upon damage assessment surveys from Code Compliance, the Red Cross, FEMA and the Watershed Protection Department. Repair costs were determined by working with the Neighborhood Housing and Community Development Department to calculate what repairs would be needed based upon different depths of flooding and what the fair market value for those materials and labor would be. The red and yellow placards hung on doors by Code Compliance do not directly correlate to whether or not a home was determined to be substantially damaged.

39. Can I protest a substantial damage determination?

Homeowners may appeal portions of the City's damage determination. If you wish to file an appeal, please contact the Floodplain Office at 512-974-2843. You will be asked to provide information to support your appeal. Helpful information includes photographs showing the depth of flooding in your home, receipts for construction costs and claims information from your flood insurance provider.

40. Can I continue to live in my home?

Your home must meet certain minimum standards in order for it to be safe to live in. If you have made the necessary repairs to your home under one of the minimum standards life/safety permits issued by the City, you may continue to occupy the structure. If your home was not substantially damaged, you will be able to final out this permit. If you were substantially damaged, the permit will remain open and you will have until the date provided in the letter to begin the process to bring your home into compliance with City code.

41. Is the City of Austin going to force people out of their home?

The City's goal is to eliminate the risk of flooding to people and properties in this area by working with homeowners to bring substantially damaged homes into compliance with the applicable City and Federal codes either by reaching an amicable agreement to buy their property or other homeowner initiated methods. Homeowners who have not taken steps to bring their properties into compliance with code requirements before the date provided will face citation and enforcement action from the City of Austin Code Compliance Department. In a buyout area, the

City Council may decide to use eminent domain to acquire the property.

42. If my home is substantially damaged and I do not wish to be part of a buyout or a buyout is not available, what are the rules I must meet?

A substantially damaged home can be brought into compliance with floodplain regulations in multiple ways:

- It may be possible to retrofit an existing structure to meet the floodplain regulations. If it is not possible to meet the regulations or the owner decides not to meet them, the owner may request a variance to the regulations from the City Council.
- The house can be demolished, and a new compliant house built in its place.
- The existing house can be demolished and the property maintained as a vacant lot either through a buyout process or by the property owner.

A description of the City's current floodplain regulations can be found at www.austintexas.gov/page/floodplain-development-information. The only body with the authority to grant a variance to one or more of the rules is the Austin City Council.