



**Attorney General
Betty D. Montgomery**

February 26, 1998

Mr. John W. Brandt
Executive Secretary
Board of Building Standards
6606 Tussing Road
Reynoldsburg, Ohio 43068

Dear Executive Secretary Brandt:

You requested that I provide you with an informal opinion on whether the Board of Building Standards has any jurisdiction over the enforcement of flood plain requirements within the City of Beachwood. The Board of Building Standards has no jurisdictional authority over implementation or enforcement of the flood plain requirements for the City of Beachwood, in order for that community to successfully participate in the National Flood Insurance Program (NFIP). Under the federal regulatory scheme, the locally appointed Beachwood flood plain administrator is responsible for insuring that buildings and structures constructed in a designated flood plain area meet the construction requirements as set forth in the local ordinance and federal regulations. The Federal Emergency Management Agency is responsible to insure that Beachwood is in compliance with federal mandates, and has the authority to impose sanctions for noncompliance.

The federal guidelines for community participation in the "National Flood Insurance Program" are set forth in 44 CFR Parts 59-77 ("Regulations for Floodplain Management and Flood Hazard Identification" of the "National Flood Insurance Program"). Under these regulations, the City of Beachwood is required to comply with its locally enacted Ordinance that must include construction standards that at the minimum meet the standards as set forth in the federal regulations. A locally appointed floodplain administrator is responsible to approve all buildings and structures which have been determined to require flood resistant construction to insure that the new construction meet the local

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and federal guidelines. (See Section 3107.0 of the Ohio Basic Building Code, in which the State of Ohio endorses this regulatory scheme).

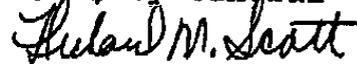
The determination of whether the City of Beachwood is in compliance with the federal mandates rests with the Federal Emergency Management Agency (FEMA). FEMA has the authority to determine whether a local community is eligible to continue in the NIPF. Also, FEMA has the authority to impose sanctions on local communities in order to enforce compliance with federal guidelines.

In conclusion, the federal government has sole authority to enforce compliance, including sanctioning authority, of this federal program. The Board of Building Standards has no such authority.

Sincerely,

BETTY D. MONTGOMERY

Attorney General



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