

Owners seek help to jack up flood-prone condos

James Fisher

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- A cluster of four buildings surrounded by tidal waters have flooded often and made four claims on federal flooding insurance.
- FEMA ruled the frequent flooding requires the buildings to be raised by four feet.
- The project would cost homeowners \$242,500-\$243,000 each under a program reimbursing 50% of costs.

Homeowners in Mallard Lakes, a [condo complex west of Fenwick Island](#) that suffered significant damage from Superstorm Sandy, desperately want to win a federal grant to help them raise their homes an extra four feet off the ground.

The neighborhood's history of flooding has prompted federal officials to mandate that four condo buildings be jacked up or Sussex County will lose eligibility under the National Flood Insurance Program.

Homeowners asked County Council to apply for a federal grant meant to help properties that suffered "repetitive loss" from storms. That grant could pay up to 90 percent of construction costs.

In a 4-1 vote Tuesday, Council agreed to seek that grant instead of using a different federal grant program that Sussex County has ruled can only fund 50 percent of construction costs.

In Delaware's other counties, that program allows payment of 75 percent of costs, but Sussex chose to limit it to 50 percent several years ago to spread the funds across more properties.

The neighborhood is made up of about 500 units on scenic land a few miles west of Fenwick Island, in the southeastern corner of the county. Only a handful of its buildings are situated so low they now need raising. The flooding involved four of five buildings, each with six units, on a bit of land informally called "the island," encircled by tidal water.

If the 50-50 cost share was the only option for Mallard Lakes, each unit owner could expect a bill of at least \$25,000 to \$30,000, said Lou Rixham, a Mallard Lakes property owner.

"We're not the millionaires on the beach who can probably afford the 50 percent," Rixham told Council last month. "We're low-cost housing. There's people living there on Social Security and public assistance."

Two-bedroom units in the community now listed for sale are being offered for between \$185,000 and \$195,000.

State and county officials made the case Tuesday that Mallard Lakes was battered especially hard by Sandy.

"Of all the flood damage that I'm aware of from Hurricane Sandy to buildings, these buildings were the most heavily damaged," said Michael S. Powell of the Department of Natural Resources and Environmental Control's Shoreline & Waterway Management Section.

During Sandy, the island's residents evacuated, and 18 inches of water soaked the ground floors. The condo association carried flood insurance, and by the summer after the storm, the damaged units had been repaired.

"All costs were paid by flood insurance," owners were told in the community newsletter in August 2013.

Filing the flood claim triggered changes in how the Federal Emergency Management Agency, which manages the National Flood Insurance Program, regarded Mallard Lakes' exposure to future flooding.

When the buildings on the island were built in the 1980s, they met flood elevation regulations, said Powell, the DNREC official. But in 1995, FEMA raised the elevation for new buildings in that exact spot of the county by several feet, making the condos lower-sitting than new construction would allow.

Normally, such buildings are grandfathered past updated flood elevation standards. But Sandy marked the fourth time Mallard Lakes filed a flood-damage claim, and it led FEMA to order the buildings raised, revoking their grandfathered status.

"In order for Sussex County to remain eligible under the NFIP, the county is required to have the buildings brought into compliance," county Housing Director Brad Whaley wrote in a memo to Council.

Across Delaware, repeated storms and flooding have prompted scores of homeowners to build up above the waterline they fear the next

storm will bring. Anticipated sea level rise on the Atlantic coast of as much as 1.7 feet by 2050 will only add to the vulnerability.

That's because the bays interact with the sea through flushing and draining, and higher seas make water less able to exit the bays. It was the pattern Superstorm Sandy followed: relatively undamaged communities by the ocean coast, with more destructive flooding in South Bethany, Oak Orchard and the communities around Mallard Lakes.

Still, state officials say the situation in Mallard Lakes – the mandatory raising of multifamily housing – is rare.

"It's the first time I've ever run into this scenario," said Powell, the DNREC official. "Someone built to the code within the last 20-30 years, and then the code changed," followed by a repeated major flood insurance claim.

The councilman whose district includes Mallard Lakes, Vance Phillips, spoke up for the residents' appeal. "This is a unique situation that has been no fault of the homeowners," Phillips said.

George Cole, the sole council member to vote against submitting an application under the program allowing a 90 percent federal share, said he didn't want to alter the norm of a 50-50 split.

"When using tax dollars to help other people, 50 percent is very generous," Cole said. "I'd like to have somebody give me 50 percent of the cost of helping make some improvements to my property."

Powell said the Mallard Lakes grant request will compete for FEMA dollars with other applications from around the country, including those from hard-hit Sandy areas in New York and New Jersey. Mallard Lakes residents probably won't learn whether FEMA approved their request until early 2015.

"It's a real struggle to get these grants," Powell said. "We are up against grant applications from areas that have just been pounded by flooding."

Contact James Fisher at (302) 983-6772, on Twitter [@JamesFisherTNJ](https://twitter.com/JamesFisherTNJ) or jfisher@delawareonline.com.

