

## **TOMS RIVER: APPLICATION PROCESS**

The Process for Continued Occupancy of Substantially Damaged Structures Process for continued occupancy of “substantially damaged” homes while waiting funding to elevate structures. The following process will be in place as of 2/7/13 for property owners who want to continue to occupancy substantially damaged homes while awaiting funding or a contractor to elevate structures to comply with the new base flood elevations.

Criteria for Participation in the Process: In order to participate in this program, property owners must meet all of the following three conditions: The property must have sustained “substantial damage” defined as damage greater than 50% of the market value of the dwelling unit, and, The property owner desires to continue to occupy the structure and make repairs consistent with the Uniform Construction Code, and The property owner needs additional time to comply with the requirements of the flood insurance program, including but not limited to, elevation of the structure in accordance with Federal Floodplain Regulations. If the property owner meets all of the above conditions, the process in place will be as follows: The property owner will be required to obtain a letter from the Township Engineer/Floodplain Manager certifying that the dwelling unit sustained greater than 50% damage as a result of Super Storm Sandy. Once the property owner obtains the letter from the Township Engineer, he or she would then proceed to the Construction Official to apply for permits to renovate the structure including a request to elevate the structure within four (4) years of the date of the permit. In order to obtain the permits required, the property owner would have to fill out and sign the attached “Acknowledgement and Release Form” which will be available in the Township Attorney’s office. The property owner will be required to have the document notarized either in the Township Attorney’s office or at some other location and then submit the executed copy to the Township Attorney’s office for recording purposes. The Township Attorney would then proceed to record the document, and in the interim provide a copy to the property owner and a copy to the Construction Official who will then issue the permits requested once the Construction Official has completed his review of the permit application and finds everything to be in order. The property owner will then have four (4) years to comply with the floodplain regulations, including but not limited to, elevation of the structure in accordance with the “Acknowledgement and Release Form” the property owner signed. The Construction Official will “tag” the property in the Edmunds system as a way of alerting all Township agencies that the property owner has executed this form, and that requirements will follow with the property.

The Township will pay for the cost to record the document, and the property owner will be able to move forward with the repairs and renovations to their structure as indicated.

<http://www.tomsrivertownship.com/index.php/Latest/process-for-continued-occupancy-of-substantially-damaged-structures.html>

### **ACKNOWLEDGEMENT AND RELEASE**

1. I/We own improved property located at \_\_\_\_\_ (insert street address) in the Township of Toms River and designated as Block \_\_\_\_\_, Lot \_\_\_\_\_, on the official tax map of the Township of Toms River.
2. The dwelling located on the above-referenced property was more than 50% damaged by Hurricane Sandy, as determined by the Township of Toms River Department of Engineering.
3. Pursuant to the requirements of the National Flood Insurance Program (“NFIP”), implemented locally through the Township floodplain ordinance (codified in Chapter 313 of the Code of the Township of Toms River), this determination compels me/us to elevate the dwelling to the height requirements of the applicable flood zone, as established under the Advisory Base Flood Elevation (“ABFE”) maps, issued by the Federal Emergency Management Agency (“FEMA”) and adopted by the State of New Jersey by emergency regulation on January 24, 2013, or any subsequent revisions or amendments to those maps adopted by FEMA and adopted by state regulation.

4. The Uniform Construction Code (“UCC”) in effect in the State of New Jersey provides a 4-year grace period to complete these structural modifications while the dwelling is occupied. FEMA recognizes this grace period, and upon proper application, the Township will issue a construction permit so that the dwelling can be repaired and continuously occupied pending completion of the required elevation.

5. Once permits have been issued and the dwelling is occupied, I/we are legally obligated to elevate the dwelling as required by law. By signing this document and continuing to occupy the dwelling, I/we certify that the dwelling will be properly elevated no later than 4 years from the date the construction permit is issued. The Township will monitor compliance with this obligation.

**6. Failure to timely comply with the obligation to elevate the dwelling in accordance with the Township floodplain ordinance and the NFIP subjects me/us to all applicable fines and penalties provided under state law and Section 313-8 of the Township Code, including ordering the dwelling vacated until it is properly elevated.**

7. The obligation, agreed to hereunder, to elevate the dwelling to the proper height requirements within 4 years establishes a restriction affecting the above-referenced property or its use. Pursuant to N.J.S.A. 46:26A-2k, this document shall be recorded in the Office of the Ocean County Clerk to place prospective purchasers on notice of the restriction.

**8. In the event of any transfer or conveyance of possession or ownership, I/we will notify the prospective occupant, possessor, purchaser or successor in title of the obligations imposed hereunder.**

9. I/We hereby forever fully release, discharge, and hold harmless the Township of Toms River, and its officials, agents, employees, and assigns for any claims, suits, damages, liabilities in any way arising out of or relating to any death, bodily injury, or property damage associated with the issuance of any permits or continued occupancy of the dwelling.

Property Owner’s Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Property Owner’s Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Property Owner’s Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF NEW JERSEY:

SS.

COUNTY OF OCEAN :

I certify that on \_\_\_\_\_, 2013, the above-named individuals personally came before me and stated to my satisfaction that they: (1) were the makers of this instrument; (2) executed this instrument as their own act; and (3) executed this instrument with full knowledge and understanding of all obligations imposed thereby.

\_\_\_\_\_  
RECORD AND RETURN TO:

Kenneth B. Fitzsimmons, Township Attorney, Township of Toms River  
33 Washington Street  
Toms River, New Jersey 08753