

Flood Plain Management

Chapter 2.

NFIP-History

- Flood Disaster Protection Act of 1973
- Prohibited federal assistance for acquisition or construction of buildings in floodplains for non-participating communities
- Required buildings in flood hazard areas to have flood insurance as a condition of receiving federal assistance or a loan from federally insured or regulated lenders
- 1979 Flood Insurance Admin and NFIP moved to FEMA

NFIP-History

- Federal Flood Insurance Reform Act of 1994 created Community Rating System (CRS)
- Increased maximum amount of flood insurance coverage, created a grant program for mitigation plans and projects
- Increased the number of policies and number of communities participating

How it Works

- Federally backed flood insurance is made available to communities that regulate development in their mapped floodplains

MAPPING

- Mapping-FEMA developed maps and flood hazard data for communities
- Basis for regulating construction
- Rating for flood insurance policies
- Determines when flood insurance must be purchased as a condition of a loan or financial assistance.

TWO KINDS of MAPS

- Flood Hazard Boundary Map (FHBM)-shows boundaries of the floodplain using approximate methods
- Flood Insurance Rate Map (FIRM)-based on a Flood Insurance Study and includes flood elevation and other hazard information
- Pre-FIRM and Post-Firm

Insurance

- Coverage is for damage by a flood, defined as:

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) the overflow of inland or tidal waters, or
- 2) the unusual and rapid accumulation or runoff of surface waters from any source

also includes mudflows and erosion

Premiums

- Post-FIRM premiums are based on the degree of flood protection they are provided
- Pre-FIRM premiums are subsidized by NFIP and do not pay actuarial rates (i.e. rates based on actual risk)

REGULATIONS

- The NFIP underwrites flood insurance coverage only in those communities that adopt and enforce floodplain regulations that meet or exceed NFIP criteria
- GOAL: To eventually have only post-FIRM buildings subject to little or no flood damage
- Non-compliance can result in: flood damage, costly insurance, and sanctions

ROLES and RESPONSIBILITIES

- Community: Enacts, implements and enforces NFIP criteria
- Issue or deny building permits
- Inspections
- Maintain records
- Assist in preparation and revision of maps
- Assist residents with info on rules, regulations, insurance, and construction

STATE ROLE

- Provide legal authorities to communities
- Establish minimum state requirements
- Provide technical assistance
- Coordinate state agency activities for NFIP

- CAP (Community Assistance Program)- provides NFIP funds to states for 75⁰%/25⁰% cost share for state coordinating agencies to provide technical assistance to communities.

FEDERAL ROLE

- FEMA administers the NFIP through its Regional Offices and its Mitigation Division

Responsibilities:

- Assist state NFIP coordinating agencies
- Assess community compliance
- Advise local officials responsible for administration
- Help review and adopt new maps and data
- Approve community floodplain regulations
- Provide info and training on flood insurance purchases

Mitigation Division

- Administers insurance portion of the NFIP program:
- Sets rates, establishes coverage, monitors applications and claims and markets insurance
- Private insurers write and service most NFIP flood insurance policies through the Write-Your-Own Program.

Community Participation

- NFIP is based on a cooperative agreement between the community and FEMA.
- FEMA can only make flood insurance available in those communities that agree to regulate future development in the floodplain.

JOINING NFIP

- A community must adopt a resolution of intent to participate and cooperate with FEMA.
- The community agrees to “maintain in force...adequate land use and control measures consistent with the NFIP criteria.
- Assist the Administrator in the delineation of the Floodplain

Joining NFIP

- Assist the Administrator in the delineation of the Floodplain
- Provide information concerning present uses and occupancy of the floodplain
- Maintain for public inspection and furnish upon request for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards, elevation and flood proofing records on new construction
- Cooperate with agencies on mapping, surveying, etc., and cooperating with neighboring communities to prevent aggravation of existing hazards.
- Notify the Administrator whenever community boundaries have changed or if they no longer have authority to adopt and enforce flood plain management areas.

Joining NFIP

- The community must also adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.
- Communities are given a FIRM and Flood Insurance Study. They are given 6 months to adopt the new data in a comprehensive ordinance.
- FIRM is effective at the end of 6 months. If they adopt the ordinance, they are in the Regular Program, if not they are suspended, but the FIRM is still in effect.

Compliance

- If the community is not in compliance they can be:
- Reclassified under CRS
- Probation
- Suspension

Reclassification

- CRS communities that are not in full compliance can be reclassified to Class 10; residents would lose their flood insurance premium discounts.

Probation

- FEMA issues a 90 –day written notice and lists deficiencies and violations.
- FEMA notifies policy holders of a \$50 premium on new or renewed policies during the probation period.
- Community has 90 days to correct deficiencies and violations in order to avoid probation.

Suspension

- After probation, if a community is still in non-compliance, it will be suspended from NFIP.
- FEMA grants a 30 day period to demonstrate why a community should not be suspended.
- Reinstatement can be obtained by
 - Reaffirming commitment to NFIP
 - Correction of deficiencies
 - remediating violations

Sanctions for Non-Participation

- No new flood insurance
- Existing policies will not be renewed
- No federal grants or loans for acquisition or construction
- No federal disaster assistance for insurable buildings in the event of a flood.
- No federal mortgage insurance or loan guaranties
- Federally insured or regulated lenders must notify applicants of flood hazards and no federal disaster relief.