

Flood News for Michigan Floodplain Managers

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**Congressional Actions and 4/3/2014 Signing of the
Homeowner Flood Insurance Affordability Act of 2014 (HFIAA)
Makes Changes to
The Biggert-Waters 2012 Flood Insurance Reform Act (BW-12)**

(Latest Guidance from the FEMA)

MEMORANDUM FOR: Write Your Own (WYO) Principal Coordinators and the National Flood Insurance Program (NFIP) Servicing Agent

April 3, 2014

FROM: Dennis L. Kuhns
Division Director, Risk Insurance
Federal Insurance and Mitigation Administration (FIMA)

SUBJECT: Overview on the Homeowner Flood Insurance Affordability Act of 2014

On March 21, 2014, President Barack Obama signed the Homeowner Flood Insurance Affordability Act of 2014 into law. This law repeals and modifies certain provisions of the Biggert-Waters Flood Insurance Reform Act, which was enacted in 2012, and makes additional program changes to other aspects of the program not covered by that Act. Many provisions of the Biggert-Waters Flood Insurance Reform Act remain and are still being implemented.

FEMA is working with Congress, the private Write Your Own (WYO) insurance companies, and other stakeholders to implement these congressionally-mandated reforms and is working toward our shared goals of helping families maintain affordable flood insurance, ensuring the financial stability of the NFIP, and reducing the risks and consequences of flooding nationwide. FEMA will also continue to identify and publish special flood hazards and flood risk zones as authorized and required by Congress.

FEMA has actively begun analyzing and prioritizing implementation of the new law. We are working with the private WYO insurance companies to seek their input and expertise prior to issuing business practice bulletins.

It is not possible for changes to happen immediately. While the new law does require some changes to be made retroactively, applying to certain policies written after July 6, 2012, other changes require establishment of new programs, processes, and procedures.

FEMA's initial priority is assessing potential changes to the NFIP's business processes to stop policy increases for certain subsidized policyholders as outlined in the Act.

While FEMA actively works to implement the new law, we encourage policyholders to maintain and keep current flood insurance policies. FEMA does NOT recommend cancelling a flood insurance policy. Cancelling flood insurance policies now will leave policyholders unprotected during spring flooding and may cause policyholders to lose important discounts on their rate if they reinstate their policy in the future.

FEMA also plans to issue guidance in the months ahead for the WYO insurance companies to begin issuing refunds as outlined in the law for some policyholders who were previously impacted by subsidy phase-outs.

More information on the new law and its impacts on the NFIP will be forthcoming. This overview and other information will also be posted online at <http://www.fema.gov/flood-insurance-reform>.

For questions, please contact Joe Cecil at Joseph.Cecil@fema.dhs.gov.

Please see the following overview for further details about this law.



HFIAA Overview

4/3/14

While the FEMA actively works to implement the new law, we encourage policyholders to maintain and keep current flood insurance policies. FEMA does NOT recommend cancelling a flood insurance policy. Cancelling flood insurance policies now will leave policyholders unprotected during spring flooding and may cause policyholders to lose important discounts on their rate if they reinstate in the future.

- The new law lowers the recent rate increases on some policies, prevents some future rate increases, and implements a surcharge on all policyholders. The Act also repeals certain rate increases that have already gone into effect and provide s for refunds to those policyholders. The Act also authorizes additional resources for the National Academy of Sciences (NAS) to complete the affordability study.
- FEMA looks forward to working with Congress, the private WYO insurance companies, and other stakeholders to implement these congressionally mandated reforms and to working toward our shared goals of helping families maintain affordable flood insurance, ensuring the financial stability of the NFIP, and reducing the risks and consequences of flooding nationwide. FEMA will also continue to identify and publish special flood hazards and flood risk zones as authorized and required by Congress.
- FEMA has actively begun analyzing and prioritizing implementation of the new law. We will be working with the private WYO insurance companies in the next few weeks to seek their input and expertise prior to issuing business practice bulletins.
- It is not possible for changes to happen immediately. While the new law does require some changes to be made retroactively, applying to certain policies written after July 6, 2012, other changes require establishment of new programs, processes and procedures.
- FEMA's initial priority is assessing potential changes to the NFIP's business processes to stop policy increases for certain subsidized policyholders as outlined in the Act.
- FEMA also plans to issue guidance in the months ahead for the WYO insurance companies to begin issuing refunds as outlined in the law for some policyholders who were previously impacted by subsidy phase outs.
- More information on the new law and its impacts on the NFIP will be forthcoming.

REFUNDS

- For certain flood insurance policies affected by the Pre-Flood Insurance Rate Map (Pre-FIRM) subsidy elimination required by BW-12, the new law mandates refunds of the excess premiums that those policyholders were charged pursuant to the requirements of BW-12. Refunds will not affect all subsidized policyholders who received rate increases as directed by Congress in BW-12, only policyholders for whom the rate increases under BW-12 were revoked by the new law. Refunds will affect only a small percentage of the overall NFIP policy base.
 - Prior to restoring and refunding premiums, FEMA is required by the HFIAA to consult with its partner insurers WYO insurance companies or WYOs) to develop guidance and rate tables.

- In accordance with the new law, FEMA will work to develop and finalize its guidance and rate tables within eight months.
- The law provides WYO insurance companies between six and eight months to implement the changes and update systems to implement the guidance.
- FEMA is working closely with the WYO insurance companies to develop a timetable for processing refunds expediently.

●REFUNDS APPLY TO:

- Policyholders in high-risk areas who were required to pay their full-risk rate after purchasing a new flood insurance policy on or after July 6, 2012.

●REFUNDS MAY APPLY TO:

- Policyholders who renewed their policy after the HFIAA was enacted on March 21, 2014, and whose premium increased more than 18 percent.

●REFUNDS DO NOT APPLY TO:

- Policyholders paying the 25 percent annual rate increases, as required by Congress in BW-12, for a Pre-FIRM subsidized non-primary residence, business, Severe Repetitive Loss property, or building that was substantially damaged or improved.
- Policyholders whose full-risk premium is less than the Pre-FIRM subsidized premium, or who were not overcharged according to any retroactive revisions to the Pre-FIRM subsidized rates required by the new law.
- Policyholders who saw usual, annual rate increases in 2013 or 2014, or policyholders who paid the 5 percent fee, as required by BW-12, for the NFIP Reserve Fund, will only see a refund if their premium renewal was after March 21, 2014, and their total premium, including the reserve fund, exceeded 18 percent.

PREMIUM RATES FOR SUBSIDIZED POLICIES

- The new law requires gradual rate increases to properties now receiving artificially low (or subsidized) rates instead of immediate increases to full-risk rates required in certain cases under BW-12.
- FEMA is required to increase premiums for most subsidized properties by no less than 5 percent annually until the class premium reaches its full-risk rate. It is important to note that close to 80 percent of NFIP policyholders paid a full-risk rate prior to either BW-12 or HFIAA, and are minimally impacted by either law.
- With limited exceptions, flood insurance premiums cannot increase more than 18 percent annually.
 - There are some exceptions to these general rules and limitations. The most important of these exceptions is that policies for the following properties will continue to see up to a 25 percent annual increase as required by BW-12 until they reach their full-risk rate: older business properties insured with subsidized rates;
 - Older non-primary residences insured with subsidized rates;
 - Severe Repetitive Loss Properties insured with subsidized rates; and buildings that have been substantially damaged or improved built before the local adoption of a Flood Insurance Rate Map (known as Pre-FIRM properties).
- In order to enable new purchasers of property to retain Pre-FIRM rates while FEMA is developing its guidelines, a new purchaser will be allowed to assume the prior owner's flood insurance policy and retain the same rates until the guidance is finalized. Also, lapsed policies receiving Pre-FIRM subsidized rates

may be reinstated with Pre-FIRM subsidized rates pending FEMA's implementation of the rate increases required by the HFIAA.

NEW SURCHARGE ON ALL POLICIES

- A new surcharge will be added to all policies to offset the subsidized policies and achieve the financial sustainability goals of BW-12. A policy for a primary residence will include a \$25 surcharge. All other policies will include a \$250 surcharge. The fee will be included on all policies, including full-risk rated policies, until all Pre-FIRM subsidies are eliminated.

GRANDFATHERING

- The new law repeals a provision of BW-12 that required FEMA, upon the effective date of a new or updated FIRM, to phase in premium increases over five years by 20 percent a year to reflect the current risk of flood to a property, effectively eliminating FEMA's ability to grandfather properties into lower risk classes.
- Also for newly mapped in properties, the new law sets first year premiums at the same rate offered to properties located outside the Special Flood Hazard Area (preferred risk policy rates).
- With limited exceptions, flood insurance premiums cannot increase more than 18 percent annually.

FLOOD INSURANCE ADVOCATE

- The new law requires FEMA to designate a Flood Insurance Advocate to advocate for the fair treatment of NFIP policyholders.
- The Advocate will:
 - Educate property owners and policyholders on individual flood risks; flood mitigation; measures to reduce flood insurance rates through effective mitigation; the flood insurance rate map review and amendment process; and any changes in the flood insurance program as a result of any newly enacted laws;
 - Assist policyholders and property owners to understand the procedural requirements related to rate maps and implementing measures to mitigate evolving flood risks;
 - Assist in the development of regional capacity to respond to individual constituent concerns about FIRM amendments and revisions;
 - Coordinate outreach and education with local officials and community leaders in areas impacted by proposed FIRM amendments and revisions; and
 - Aid potential policyholders in obtaining and verifying, accurate and reliable, flood insurance rate information when purchasing or renewing a flood insurance policy.

OTHER PROVISIONS

- The new law permits FEMA to account for property specific flood mitigation that is not part of the insured structure in determining a full-risk rate.
- The law requires that residential basement flood proofing be considered when developing full-risk rates after a map changes increasing the Base Flood Elevation in an area where residential basement flood proofing is permitted.
- The law mandates that FEMA develop an installment plan for non-escrowed flood insurance premiums, which will require changes to regulations and the Standard Flood Insurance Policy contract.
- The law increases maximum deductibles.

- The law encourages FEMA to minimize the number of policies where premiums exceed 1 percent of the coverage amount, and requires FEMA to report such premiums to Congress.

DRAFT AFFORDABILITY FRAMEWORK

- The new law requires FEMA to prepare a draft affordability framework, which is due to Congress 18 months after completion of the affordability study required by BW-12. The Affordability Study required by BW-12 is underway and is being conducted by the National Academies of Sciences, as specified in the BW-12 law.
- In developing the affordability framework, FEMA must consider:
 - Accurate communication to customers of the flood risk.
 - Targeted assistance based on financial ability-to-pay.
 - Individual and community actions to mitigate flood risk or lower cost of flood insurance.
 - The impact of increases in premium rates on participation in the NFIP.
 - The impact of mapping update on affordability of flood insurance.

The affordability framework will include proposals and proposed regulations for ensuring flood insurance affordability among low-income populations.

MAPPING

- The HFIAA requires the Technical Mapping Advisory Council (TMAC) to review the new national flood mapping program authorized under the 2012 and 2014 flood insurance reform laws. The law requires the Administrator to certify in writing to Congress that FEMA is utilizing “technically credible” data and mapping approaches. The law also requires FEMA to submit the TMAC review report to Congress.
- FEMA will be looking to the TMAC for recommendations on how best to meet the legislatively-mandated mapping requirements for the new mapping program, including the identification of residual risk areas, coastal flooding information, land subsidence, erosion, expected changes in flood hazards with time, and others.
- As the new national flood mapping program is being established, FEMA expects there will be opportunities to make incremental improvements to current procedures as it provides flood hazard data and information under the NFIP. FEMA will make those improvements where necessary to ensure all ongoing changes to flood hazards continue to be effectively communicated, mitigated, and properly insured against.
- The law lifts the \$250,000 limit on the amount that FEMA can spend to reimburse homeowners for successful map appeals based on a scientific or technical error. Federal rulemaking is required in order to implement this provision.
- FEMA is authorized to account for reconstruction or improvements of flood protection, not just new construction. It authorizes FEMA to consider the existing present value of a levee when assessing adequate progress for the reconstruction of an existing flood protection system. The law extends certain provisions related to NFIP requirements in areas restoring discredited flood protection systems to coastal levees and clarifies that the levee needs to be considered without regard to the level of federal funding for the original construction or the restoration.
- The law exempts mapping fees for flood map changes due to habitat restoration projects, dam removal, culvert redesign or installation, or the installation of fish passages.
- The law requires FEMA to consider the effects of non-structural flood control features, such as dunes, and beach and wetland restoration when it maps the special flood hazard area.

- The law requires FEMA to enhance coordination with communities before and during mapping activities and requires FEMA to report certain information to members of Congress for each state and congressional district affected by preliminary maps.

For other related articles see the Association of State Floodplain Managers Executive Director's (Chad Berginnis) article at:

<http://www.floods.org/n-news-hottopics/article.asp?id=260> and an article by [Andrew G. Simpson](#) in the Insurance Journal at: <http://www.insurancejournal.com/news/national/2014/03/13/323273.htm>



FEMA Online Change Requests for Property's Flood Zone Designation

FEMA is launching a new way to submit a request to change your property's flood zone designation: the online Letter of Map Change (LOMC).

If a property owner believes his or her property has been inadvertently included in a Special Flood Hazard Area (SFHA), he or she may now request a change over the Web instead of by mail. The SFHA is the area that has a 1 percent or greater chance of flooding in any given year; this area is also referred to by some as the 1 percent-annual-chance floodplain, base floodplain, the 100-year floodplain, or simply the high-flood-risk area.

At present the system will begin assisting with the Letter of Map Amendments (LOMA). Soon, capabilities will include Letter of Map Revisions (LOMR), Conditional Letters of Map Revisions (CLOMR), and fee processing.

Applicants can use this new Web site instead of the MT-1 or MT-EZ paper forms. All home or property owners, their designated representatives, or professional surveyors and engineers can use this online tool to conveniently submit required documents, property information, and payment information all in one place.

The new online LOMC offers many advantages over paper forms:

- Applicants may save information online and finish applying at their convenience.
- Clear and intuitive interface makes applying user-friendly.
- Eliminates time associated with the paper-based submission.
- Frequent applicants can manage multiple LOMC requests online.
- More efficient communications with LOMC processing staff.
- Applicants can check their application status in real-time.

For more information:

Visit the new online LOMC site at <http://www.fema.gov/change-flood-zone-designation-online-letter-map-change>. The Map Service Center site and the Flood Map chat line can be found at the following [link](#); or you may want to call a map specialist at **(877) 336-2627**.



2014 Michigan Stormwater Floodplain Association (MSFA) Conference

For a second year in a row the annual (MSFA) Conference was scheduled and held at the McCamly Plaza Hotel Resort in downtown Battle Creek March 4-7, 2014. Attendees (122 registrants) included community

(village, city, township, and county) officials, MDEQ staff, FEMA staff, and several consultants and product suppliers for storm water and floodplain management needs. Attendee feedback was positive and supportive of the MSFAs efforts to continue to provide a venue for community officials and leaders to network, learn more, and stay current on stormwater and floodplain management issues.

The conference program was a varied collection of subjects including stormwater training and exam, Certified Floodplain Manager (CFM) training and exam, building code workshop, stream restoration, risk management, Atlas 14 watershed runoff factor usage for planning and development, urban forestry role in stormwater reduction, use and considerations of new inland lake and stream and wetland minor project and general permit categories, community funding opportunities, NFIP Community Rating System enrollment process, and things learned from the Spring 2013 Grand River flooding in the Grand Rapids area.

The annual MSFA business luncheon in the penthouse dining area of the hotel provided a very comfortable and pleasant setting for the members to conduct the association's annual business. Officers and region representatives were nominated and selected. The winner of the 2012/13 scholarship award, Ms. Kaye LaFond, and her advising professor of Michigan Technological University were introduced to the membership and received a very warm welcome from the membership. Location for the 2015 conference was discussed and resulted in a selection being made to hold the 2015 annual conference in Lansing at the Radisson Hotel, February 24-27, 2015. The planning committee is already hard at work reviewing the 2014 conference evaluations to see what needs to be considered and addressed for the 2015 conference in Lansing, Michigan.

Other recognitions were provided to five members for their success in achieving the Association of State Floodplain Managers (ASFPM) Certified Floodplain Managers (CFM) award during the year. They were:

New CFMs left to right

- Lauren Hoffman, CFM (not present for the picture)
- C. Bradley Kaye, AICP, CFM
- Gretchen L. Railling, P.E., CFM
- Peter G. Snyder, P.E., Esq., CFM
- Rachel L. Smith, P.E., LEED AP, CFM



Two other special awards were presented and they were the MSFA 2014 Outstanding Service Award and a 2014 MSFA Meritorious Lifetime Achievement in Floodplain Management Award. The Outstanding Service Award went to the Midland County Emergency Manager, Roger Garner. The Meritorious Lifetime Achievement award went to George Hosek.

**2014 George Hosek Michigan
Stormwater-Floodplain Association
Outstanding Service Award Selected**

The Michigan Stormwater-Floodplain Management Association (MSFA) was formed in 1987 in response to a need expressed by floodplain professionals for a common forum, and a network that supports and improves their management of Michigan's stormwater and floodplains.

The MSFA recognizes professionals contributing to better stormwater and floodplain management through the annual presentation of the George Hosek MSFA Outstanding Service Award. In addition, the MSFA will nominate the award winner for consideration at the national level through the Association of State Floodplain Managers (ASFPM) award program. The 2014 Outstanding Service Award winner is the Midland County Emergency Manager, Roger Garner. He is both a CFM, a Certified Professional Emergency Manager, and is a most well-respected and knowledgeable Emergency Manager amongst his Michigan peers and the Michigan State Police. Roger's 26+ years of managing and building a program by fire, storm, and challenge, has benefitted the Midland County Emergency Management Program greatly in many ways such as 1. Assisting Midland County area grantees in obtaining more than \$200,000 in federal grant funding for 30 projects; 2. Successfully using the social media to help inform the citizenry of current weather conditions and other related information; and 3. Successfully making the area residents much more aware of the threat and impact of flooding and other hazards they may face and what they can do.



Roger Garner (right) and Tom Smith (left)

MSFA Outstanding Service Award Criteria:

The *MSFA Outstanding Floodplain & Stormwater Management Service Award* is awarded to a floodplain manager, local official, consultant, or other individuals who has gone above and beyond normal expectations and duties to promote the MSFA's goals. This award is designed to honor an individual whose contributions have resulted in an outstanding local program or activity for comprehensive floodplain and stormwater management, or unique programs that encourage flood impact awareness and reduction. Recipients of this award serve as role models and inspiration to other floodplain and stormwater management professionals to what can be done to promote and practice the best stormwater and floodplain management practices available.

Nominations and selections are based on the following criteria:

1. Outstanding accomplishments in or contribution to the field of storm water and floodplain management in Michigan.
2. Leadership and demonstration of both personal and professional character of the highest quality.
3. Activities and work undertaken by the recipient shall demonstrate a direct impact on improving the quality of life through better water resource management in accordance with the MSFA purpose and objectives (online at <http://www.mi.floods.org>).

2014 MSFA Meritorious Lifetime Achievement in Floodplain Management Award

The presentation of this new special award to George Hosek by the MSFA represents its recognition of George's career achievements, accomplishments, and leadership in floodplain management at the local, state, and national level. His efforts have involved policy, outreach, implementation, education, government, research, litigation, and other actions demonstrating the advancement of flood loss and risk reduction in the State of Michigan and across the nation. George's input has always been well-respected and strongly considered by those seeking such.



George Hosek (left) and Les Thomas (right)

The MSFA congratulates and thanks George for his service to the floodplain management cause and wishes him and his wife Martha, the best in their full-time retirement ventures.



Disputing Flood Zones

(Friday, 23 August 2013; NFIP eWatermark Newsletter)

What do you do if a lender and an agent have different determinations of the flood risk for a building?

The Flood Disaster Protection Act of 1973 (1973 Act) required the mandatory purchase of flood insurance for properties at high risk of being flooded. The National Flood Insurance Reform Act of 1994 (1994 Act) strengthened that requirement, imposing tighter requirements on federally-regulated lenders with loans on properties located in Special Flood Hazard Areas (SFHAs). Thus, a property owner may be required by his or her lender to obtain flood insurance if the lender finds that the building is located in an SFHA. What is the agent's role in determining the risk? What if the flood insurance agent believes the property is not in an SFHA? How do you, as the agent, assist the customer? Let us see if we can offer information to make the situation understandable, and offer some solutions.

Documenting the Flood Zone

As an agent, you must document the flood zone on the flood insurance application to assist in the rating of the flood risk for any policy you sell. If you are an agent, you may make the flood zone determination through one of several processes. Your flood insurance Write Your Own (WYO) Company—or its flood insurance vender(s)—may supply you with rating software that uses the property address (and other information about the building) to determine the risk zone and the insurance rating for that property. You may hire one of the many available flood zone determination (FZD) companies to fill out a Standard Flood Hazard Determination Form (SFHDF) to do the determination for you. You may use an Elevation Certificate (EC) for Flood Insurance. You may receive zone determinations from local community officials, or you might consult the actual Flood Insurance Rate Map (FIRM) published by FEMA, and made available online in the form a FIRMette through the FEMA Map Store at the link below.

The lender is also required to determine the flood zone. Federal law says that it is the responsibility of

federally regulated private lenders to ensure that any building used to secure a loan in the SFHA is protected by flood insurance. The lender must make certain that the property is covered by adequate flood insurance for the term of the loan. Most lenders make this determination by using FZD companies to fill out a SFHDF. If the lender determines that the building is in a high flood risk area, they notify the borrower that he or she must obtain sufficient insurance for that building. While FEMA is responsible for administering the National Flood Insurance Program (NFIP), it is not a regulatory entity for the supervision of mortgage lending institutions. That means that FEMA has no regulatory authority over lending institutions and does not enforce the mandatory purchase provisions of the law—other Federal agencies are responsible for regulating lenders.

Within the 45-day period after the property owner receives notice from their lender telling them they must obtain flood insurance, the owner will have to meet that lender requirement, or the lender will have to place coverage for them. Lender-placed coverage can be more expensive than the NFIP coverage you provide.

Who Is Responsible for Determining the Risk? FEMA maintains and works with states and communities to update the nation's FIRMs, which are used to determine whether a property is at risk of flooding. The community adopts those maps as part of their local building requirements. However, specific addresses are not printed on the FIRM, and the scale of a FIRM does not lend itself to the display of individual buildings. As noted above, FEMA does not require that anyone purchase flood insurance. The legal requirement to obtain flood insurance was imposed on federally backed or regulated lenders by 1973 and 1994 Acts. The law requires the lender to determine whether a building used to secure a loan is located within a SFHA on the FIRMs maintained by FEMA. Federal regulatory agencies ensure that lenders comply with the law. Lenders must meet their regulator's requirement to demonstrate that their determinations are valid, or face penalties. Most lenders outsource flood zone determinations to an FZD provider. Yet, it is the lender that will ultimately require flood insurance based on the lender's determination that the building is within an SFHA. If flood insurance is required by a property owner's lender, FEMA makes the flood insurance available through the administration of the NFIP.

If the lender's FZD Company has a different finding than the insurance agent, an agent may need to assist their client when they try to negotiate with the lender about that difference. A regulatory entity may deem a flood zone discrepancy as a violation of the Act and impose a fine on the lender. What can an agent do to assist his or her client in this situation, while still making sure the homeowner meets the lender's requirement for coverage?

Prior to resolution, the more hazardous zone must be used. When presented with two zones for rating, the NFIP requires that all Write Your Own (WYO) Companies or the NFIP Direct and their agents use the more hazardous zone, unless and until the resolution is resolved by FEMA through a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), or Letter of Determination Review (LODR).

What if there is a dispute between an agent and a lender regarding the current zone? Some lenders will be willing to review an agent's documentation to reevaluate their own zone determination. Most lenders will not accept any evidence that their SFHDF is incorrect other than a LOMA, LOMR, or LODR issued by FEMA. In these instances, the rules of the NFIP require that the agent and insurer use the more hazardous zone.

The lender is required to make sure the building is covered for the insurable value of that building. So, keep in mind that if the bank determines that a property is located inside the SFHA, triggering their requirement for flood insurance, they need to make sure the property owner has a policy for the proper insurable value to be in compliance with the requirements of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994. The bank should document the zone discrepancy in their file and forward a copy of the determination to the insurance company for resolution.

What Can Be Done When a Lender and an Insurance Agent Have Differing Flood Zone Documentation? A lender has determined that a building is located in a SFHA, and the rules of the NFIP require the use of the more hazardous zone determination. Yet, you know that the lender's determination is incorrect. How can you help your customer? First, you need to try to find out why the lender's determination differs from yours. Below are some possible reasons for a difference in the zone determinations, and ways to

resolve the differences.

Has the lender properly plotted the building on the FIRM? Two different entities may read a map differently; there may be a mistake or simply a difference plotting where the actual building lies on the lot, or in relation to the map line between the SFHA and the non-SFHA. Your customer, the homeowner, needs to be in discussion with his or her lender about how their determination was made. The homeowner needs to let the lender know that he or she has received a different determination from you. Your customer can ask the lender to let their determination company know of this and request that they obtain clarification from that company. Perhaps your customer has an EC, a plat survey, a building permit, or a letter from a community official that would prompt the lender to reevaluate their determination.

If no agreement can be reached, and it is early enough in the loan cycle, the property owner may suggest to the lender that a request be made to FEMA to make a final determination through a process called a Letter of Determination Review (LODR). A LODR request can be made to FEMA, jointly by the lender and borrower, within 45 days of notice of SFHA by the lender. The LODR review process enables FEMA to verify whether the building's location was correctly identified on the applicable FIRM. A successful LODR releases the lender from the obligation to require the purchase of flood insurance and identifies the building in a low-to-moderate flood risk area.

If it is after the 45-day period, the property owner and the lender may jointly request a FEMA Out-As-Shown LOMA, which applies when the building is not located in the actual position the lender believe it is located in. This and other FEMA map change letters are processed through the FEMA Map Service Center. Contact information is listed at the end of this article.

Are you looking at the current FIRM? Is it that a FIRM has been updated, and one of the determinations is from an older, out-of-date map? The NFIP Map Service Center offers various map products, including current and historic maps; with those tools you can look at a property address and find which map is correct at the website listed below.

Is the property a candidate for a FEMA Letter of Map Change (LOMC)? Perhaps a property owner provides the lender with documentation, such as an Elevation Certificate or a letter from a community official, to challenge the flood zone designation on the basis that the property should not be mapped in the SFHA since it is well above FEMA's established BFE. The lender will typically not accept such documentation as proof that the property is not in the SFHA, since the FIRM may actually reflect that the property is part of the SFHA. However, FEMA recognizes that due to limitations in scale, the FIRM cannot reflect every rise in terrain. Thus, the LOMC processes provide official determinations from FEMA that a specific building is not to be included in the SFHA.

Lenders and their regulators often accept a LOMC issued by FEMA as proof that the mandatory purchase requirements of the law do not apply, though the lender retains the right to require flood insurance in such instances as part of their own risk management strategy. During loan origination, the lender is required to make sure that if there is a LOMC for that property address, it is noted on their SFHDF. Often, but not always, if there is a LOMC, a lender will not require coverage, but the FEMA letter must still be coordinated with the lender. There are two types of LOMCs available:

- The FEMA Letter of Map Amendment (LOMA), which applies when a borrower can provide an Elevation Certificate to show that the building's natural lowest adjacent grade in immediate contact with the building is at or above the BFE. The LOMA suits a situation where the building is within the boundaries of an SFHA, but is on natural high ground.
- The Letter of Map Revision based on Fill (LOMR-F) applies when the community has permitted the use of fill to raise the ground beneath the building and requires the community's assistance to apply for a LOMR-F. A successful LOMR-F releases the lender from the obligation to require the purchase of flood insurance and identifies the building in a low-to-moderate flood risk area.

Some lenders may not accept a LOMC, being unwilling to remove the flood insurance requirement, so we recommend that the property owner make sure the lender will accept a LOMC before going through this process.

The Risk of Flooding Is Reduced, but Not Removed. Remember, a LOMC does not remove the risk of flooding—it simply documents that the risk may be reduced due to map change, elevation, or location. So, if you assist your customer with this process, remember to make sure your customer knows the risk of flooding remains. The cost of coverage may be lower. Keep in mind that more than 20-percent of paid NFIP claims come from low-to-moderate-risk areas—the B, C, or X Zones.

Remember, if the lender disagrees with your finding, or is not willing to go through the LOMC process, the property owner will need to get the required insurance, and you can help him, or her, by providing a policy that meets the lender's requirements.

For further information:

Federal Register link to Interagency Questions and Answers Regarding Flood Insurance Loans in Areas Having Special Flood Hazards – <http://www.gpo.gov/fdsys/pkg/FR-2009-07-21/pdf/E9-17129.pdf>.

The *NFIP Flood Insurance Manual* – <http://www.fema.gov/flood-insurance-manual>.

The *Mandatory Purchase of Flood Insurance Guidelines* – <http://www.fema.gov/library/viewRecord.do?id=2954>.

The FEMA LOMC Page – <http://www.fema.gov/national-flood-insurance-program-0/letter-map-change-lomc>.

The Standard Flood Hazard Determination Form (SFHDF) – <https://www.fema.gov/media-library/assets/documents/225>.

List of Flood Zone Determination Companies (FEMA does not endorse any private companies; we offer this information as a courtesy only) – <http://www.fema.gov/national-flood-insurance-program/flood-zone-determination-companies>.

Insurance Outreach Toolkit for Flood Map Updates – <http://www.fema.gov/media-library/resources-documents/collections/11>.

The FEMA Map Service Center:

<https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>.

Property owners and others with questions about FIRMs and LOMAs can call a FEMA Mapping Specialist at (877) 336-2627 for information.

Map Service Center Product Catalog (historic and current maps can be found here) – <https://msc.fema.gov/webapp/wcs/stores/servlet/StoreCatalogDisplay?storeId=10001&catalogId=10001&langId=-1&userType=G>.

Letters of Map Change can be found here – <https://msc.fema.gov/webapp/wcs/stores/servlet/CategoryDisplay?catalogId=10001&storeId=10001&categoryId=12006&langId=-1&userType=G&type=5>.



STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
OFFICE OF INSURANCE AND FINANCIAL SERVICES
Bulletin 2007-07-INS

In the matter of: **Flood insurance training requirements** for insurance producers with a property line of authority selling through the National Flood Insurance Program (NFIP)

Issued and entered this 11th day of June 2007

By Linda A. Watters, Commissioner

The purpose of this bulletin is to advise insurers and Michigan resident insurance producers of training requirements for selling federally-backed flood insurance through the National Flood Insurance Program (NFIP). Section 207 of the Federal Flood Insurance Reform Act of 2004 (Act), requires all producers selling flood insurance policies under the NFIP to be properly trained and educated about the NFIP to ensure producers may best serve their clients.

The Act^[1] directs the Director of the Federal Emergency Management Agency (FEMA), in cooperation with the insurance industry, state insurance regulators, and other interested parties to establish minimum training and education requirements for all insurance agents who sell flood insurance policies. FEMA and state approved continuing education providers have developed courses related to the NFIP. An insurance producer who sells flood insurance may satisfy the minimum training and education requirements of the Act by completing a course related to the NFIP. Failure to comply with the training and education requirements of the Act will jeopardize an insurance producer's authority to write insurance through the NFIP.

An insurance producer who chooses to satisfy the training and education requirements of the Act by successfully completing a course related to the NFIP that has been approved by the Michigan Office of Financial and Insurance Services (OFIS) under Section 1204c of the Michigan Insurance Code (Code). (MCL 500.1204c), will receive three hours of continuing education credit from OFIS. FEMA has not filed its online NFIP course for approval by OFIS, so the FEMA online course does not currently qualify for Michigan continuing education credit.

All Michigan licensed resident insurance producers who sell federal flood insurance policies must comply with the minimum training requirements of section 207 of the Act, and basic flood education as outlined at 70 Fed. Reg., 521 17 (Sept. 1,2005)^[2], or such later requirements as are published by FEMA, whether or not they receive Michigan continuing education credit for the course work. Licensed insurers must demonstrate to the OFIS Commissioner, upon request, that their licensed and appointed producers who sell federal flood insurance policies through NFIP have complied with the minimum federal flood insurance training requirements, as described above. Any questions regarding this bulletin should be directed to:

Office of Financial and Insurance Services
Regulatory Compliance Division
611 West Ottawa Street
P.O. Box 30220
Lansing, Michigan 48909-7720
Phone: (517) 373-7228
Toll Free: (877) 999-6442
Linda A. Watters, Commissioner

^[1] SUPPLEMENTARY INFORMATION: On June 30, 2004, the President signed the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Flood Insurance Reform Act of 2004), Pub. L. 108-264. Section 207 of the Flood Insurance Reform Act states:

The Director of the Federal Emergency Management Agency shall, in cooperation with the insurance industry, State insurance regulators, and other interested parties (1) establish minimum training and education requirements for all insurance agents who sell flood insurance policies, and (2) not later than 6 months after the date of enactment of this Act, publish these requirements in the Federal Register, and inform insurance companies and agents of the requirements.

^[2] This notice describes FEMA's implementation of Section 207 of the Flood Insurance Reform Act of 2004. As required by the Act, FEMA has coordinated with the State insurance regulators, the insurance industry, and other interested parties. Input received from these organizations emphasizes the value of working through the State insurance departments to avoid establishing conflicting or burdensome training requirements upon insurance agents. While implementing the minimum training requirements required by Section 207, FEMA has been mindful of the Senate Report language, (S. REP. NO. 108-262, at 4 & 9 (2004)), which cautions: In some cases, states may already have requirements to ensure that agents are well versed in the flood insurance program. Where possible, FEMA should work to make sure that agents are not burdened with inconsistent state and federal training and education requirements. In addition, where possible, FEMA should work to implement the training requirements through the states, which already have continuing education processes in place.



MEMORANDUM FOR: Write Your Own (WYO) Principal Coordinators, the National Flood Insurance Program (NFIP) Direct Servicing Agents, IBHS Flood Insurance Committee, and FIPNC

W-13066

November 5, 2013

FROM: Dennis L. Kuhns
Division Director, Risk Insurance
Federal Insurance and Mitigation Administration (FIMA)

SUBJECT: Agent Training Requirements for FloodSmart Programs

In an effort to connect agents with potential clients looking for flood insurance, the National Flood Insurance Program (NFIP) facilitates the FloodSmart Agent Referral Program. Trained agents are added to a database, and their contact information is provided to prospects through the Agent Locator on FloodSmart.gov, the NFIP Referral Call Center, and FloodSmart acquisition mailings. Being listed as a FloodSmart Referral Agent is an excellent way to get free leads. In fact, in a typical month, more than 35,000 people who visit the FloodSmart site get a list of flood-trained agents in their communities through the Referral Program.

Agents who wish to be listed in this Referral Program must participate in at least 2 hours of flood training every 2 years and provide proof of training completion to FloodSmart. Starting in November, referral agents who have not provided proof of training in the past 2 years will have 180 days to submit a training certificate and remain in the program. The training requirement also will apply to the Co-Op advertising program when it re-launches.

Training Notification Process

Compliant agents in the FloodSmart Agent Referral Program whose training is up to date in their account will begin to receive email reminders 180 days prior to the training expiration with follow-up emails sent at 90, 60, and 30 days before expiration. Agents will receive weekly reminders during the last month. If the training deadline expires, agents will be removed from the Referral Program. They can join again by submitting proof of training within the past 2 years.

Non-compliant agents who either never provided proof of training or whose training is out of date will also receive email notifications. They will have 180 days from the first notice to submit proof of training. Reminder emails will be sent 90, 60 and 30 days before the deadline. Agents will receive Agent Training Requirements for FloodSmart Programs weekly reminders during the last month. If the training deadline expires, agents will be removed from the Referral Program. They can join again by submitting proof of training within the past 2 years.

There are three ways to submit proof of flood insurance training:

1. Email the documentation to certificates@nfipfloodsmart.com;
2. Fax the documentation to 703-891-9866; or
3. Upload a certificate of training to their profile on Agents.FloodSmart.gov.

Certificates must include the agent's name, course name, instructor/organization name, date completed, and course length (time). When submitting proof of training by email or fax, be sure to include agent name, contact information, and agency name.

Note that this training does not need to be for Continuing Education (CE) credits, but it must be at least two hours long and focused on flood insurance.

Why is training important?

Training is absolutely necessary for selling flood insurance. It ensures agents maintain their knowledge of the product and can explain why the product is important to their clients. It also helps ensure that agents correctly write policies and protect their reputation.

There are several different options for training:

1. **NFIP Agent Training:** The NFIP offers a three-hour-long flood insurance training workshop that qualifies for continuing education credits and meets Federal training requirements. Webinars on specific topics, many of which provide flood insurance training certificates, are also available.
2. **Find NFIP Training Opportunities:** Other Training Opportunities Agents can also talk to their state department of insurance, state insurance agent association, or company about training. Again, a course must be at least 2 hours in order to qualify for the Referral Program or Co-Op program (when it re-launches) and can be taken in a classroom or as a webinar.

Review State Requirements

Keep checking Agents.FloodSmart.gov for new information about the NFIP, new tools, and other updates. If you have additional questions, please contact support@nfipfloodsmart.com or call 703-539-6621.



Michigan and Adjacent State Training Opportunities

Spring/Summer 2014 Michigan State Police

- Hazard Mitigation/Comprehensive Plan Interface (G626). June 3-4, 2014, Lansing, Michigan. This two-day course provides participants with the skills for developing strategies that integrate hazard mitigation measures into the community's comprehensive planning process. The ultimate goal is to increase the public officials understanding of the need to address mitigation issues. (Certain prerequisites apply).

Please visit the Michigan State Police's Training and Exercise Web site at www.michigan.gov/msp/0,4643,7-123-72297_60152_69852---,00.html for more training information, schedules, and locations.

Training in Adjacent States:

Indiana Department of Homeland Security (IDHS) – Training Branch

The IDHS offers training in multiple subjects for emergency managers on a regular basis. Please visit the IDHS Training Calendar at myoracle.in.gov/hs/training/public/calendar.do.

2014 Indiana Association for Floodplain and Stormwater Management Conference

September 10-12, 2014, Brown County State Park, Nashville, Indiana. For more information on the INAFSM's 2014, please visit the conference Web site at

Ohio Emergency Management Agency (OEMA)

- Hazardous Weather – Flood Preparedness. May 6-8, 2014, Columbus, Ohio. There is no charge to the student for this course. The National Weather Service (NWS) and FEMA developed this three-day course with input from many states and local emergency managers. It is intended to help to promote a more proactive response to weather and flooding hazards through close coordination between emergency management and the NWS.
- Social Media for Natural Disaster Response and Recovery. May 13, 2014, Columbus, Ohio. This course will provide participants with the knowledge and skills regarding social media and its uses, as well as the current tools, methods, and models to properly make use of social media for crisis communication. Participants will take part in facilitator-led activities. Through the use of social media tools, participants will learn and master skills to disseminate information and monitor, track, measure, and analyze social media traffic. Participants will be able to use social media as a method to identify warning signs that a crisis is developing.

2014 Ohio Statewide Floodplain Management Conference

August 27-28, 2014, Columbus, Ohio. The Ohio Statewide Floodplain Management Conference is an annual training event that focuses on various elements of floodplain management, such as regulations, insurance, mapping, engineering, and natural benefits. The conference is intended to develop and expand the capabilities of floodplain management professionals throughout Ohio. Conference sessions are designed to provide local floodplain managers with information and skills necessary to implement effective floodplain management programs within their respective communities. For questions about this conference, please contact Ohio Department of Natural Resources at 614-265-1006 or alicia.silverio@dnr.state.oh.us or the Ohio Floodplain Management Association at ofma.org.

For additional information on these and many other training courses offered by the OEMA please visit the Ohio Emergency Management Agency's website at

The link provided was broken and has been removed.



FEMA's Emergency Management Institute (EMI) Training Opportunities

- E273: Managing Floodplain Development through the NFIP 12 Core CECs. May 5-8; and September 15-18. This is a basic NFIP four day course that lays the foundation for working with the NFIP in application in the field, and is targeted for local, Tribal, State and Federal Floodplain Managers. Topics covered include outreach, mapping (risk determination), rules and regulations, permitting, elevation certificate, substantial damage and substantial improvement, flood insurance and legal issues as well as other important topics.
- E278: The Community Rating System (CRS) 12 Core CECs. April 7-10; June 23-26; or August 11-14. This is the all-purpose training course for the CRS. It is taught at both the EMI and at sites throughout the country at the request of interested communities, groups, or states, pending available funding. It is based on the 2013 CRS Coordinator's Manual. For continuing education credit for CFMs, the ASFPM will award CECs earned at the E278 CRS course even if the CFM attended the course when it was based on a previous CRS Coordinator's Manual. Please note: Some prerequisite courses apply. Please visit EMI's Web site below for more details.
- E282: Advanced Floodplain Management (FPM) Concepts II 12 Core CECs. April 14-17, 2014. This advanced floodplain management course is a dynamic and interactive instruction that covers the following four topics in detail: manufactured homes & RVs in the floodplain, NFIP insurance principles for FPMs, higher standards in FPM, and hydrology and hydraulics for FPMs.
- E284: Advanced Floodplain Management Concepts III. 12 Core CECs. July 21-24, 2014. This advanced floodplain management course is a dynamic and interactive instruction that covers the following five topics in detail: floodway standards, disconnects between NFIP regulations and insurance, common noncompliance issues, Digital Flood Insurance Rate Maps (DFIRMs), and substantial improvement / substantial damage.
- E194: Advanced Floodplain Management Concepts. 12 Core CECs. August 25-28, 2014. This advanced floodplain management course is a dynamic and interactive instruction that covers the following four topics in detail: NFIP rules & regulations in depth, Letters of Map Change (LOMCs), roles & responsibilities of the local FPM, and preparing for post-disaster responsibilities.

The EMI also offers much other training and various webinar training opportunities online. For additional information on EMI classes and webinars, please visit EMI's Web site at <https://training.fema.gov/>.

NFIP Sponsored WebEx Meeting Trainings

- CRS Webinar Series: Introduction to CRS. One CEC for CFMs. May 20 at 12 p.m. central.
- CRS Webinar Series: Introduction to CRS. One CEC for CFMs. July 15 at 12 p.m. central.

Additional sessions are continually added. Please visit <http://atkinsglobalna.webex.com/tc>



MICHIGAN PROGRAM UPDATES March 2014

(By Ms. Karen L. Amrhein, of Atkins and Ms. Jen Marcy of STARR)

Update 1: Risk Mapping

FEMA's national Risk Mapping, Assessment, and Planning (Risk MAP) program is intended to result in local activities that reduce risk. In 2014, in partnership with the State of Michigan, FEMA Region V initiated efforts designed to engage selected communities in discussions about local risk reduction activities that result in safer communities. Over the coming year, FEMA Region V and State representatives will be facilitating meetings with community officials, mitigation consultants, and regional stakeholders to define desired local mitigation activity implementation steps, challenges, and needed technical support. This effort is not intended to replace existing mitigation planning efforts, but to enhance them by identifying Federal and State tools, resources, and technical assistance that may enable progress on local risk reducing mitigation activities. The meeting goals include development of a local implementation strategy for a community-selected mitigation activity, and in some cases, limited technical support toward progress on that activity.

In Michigan, FEMA and the Michigan Department of Environmental Quality and Michigan Homeland Security and Emergency Management have begun working with STARR, FEMA's consultant, to prepare for springtime engagement with the Charter Townships of Frenchtown and Monroe; Township of LaSalle; Village of Estral Beach; and City of Luna Pier. In the summertime, engagement will begin with the City of Detroit and a group of communities in Southeast Michigan including the Cities of Allen Park, Gibraltar, St. Clair Shores, Sterling Heights, Utica, and Wyandotte; the Charter Townships of Brownstown and Clinton; and the Townships of Chesterfield, Harrison, and Macomb. Additional meetings are planned with communities in the fall and winter.

The selected communities can anticipate hearing from STARR about meeting dates, and may also be contacted to talk by phone about mitigation interests, needs, and community goals in risk reduction. Communities are invited to identify organizations and stakeholders to participate in the conversation, which is geared toward helping the community plan a risk reducing activity that may include technical support from FEMA. If you have any questions about the program, please contact any of the following project partners:

Byron Lane, MI DEQ, at laneb@michigan.gov
Matt Schnepf, MI HSEM, at schnepf1@michigan.gov
Kirstin Kuenzi, FEMA RV, at kirstin.kuenzi@fema.dhs.gov
Marshall Rivers, STARR, at marshall.rivers@atkinsglobal.com

Update 2: The Sandy Recovery Improvement Act of 2013

In recognition of the devastating impact of Superstorm Sandy along the East Coast in October 2012, Congress passed and President Obama signed into law the Sandy Recovery Improvement Act of 2013 (SRIA). This law granted FEMA new authorities and modified existing procedures to speed recovery from Superstorm Sandy and any disaster whose application period was still open as of the date of enactment (January 29, 2013), as well as all future disasters. SRIA amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Stafford Act), which is FEMA's primary legislative authority, and implements lessons learned from the long and difficult recovery from Hurricanes Katrina and Rita.

SRIA attempts to improve the delivery of federal aid to state, tribal, and local governments by increasing the flexibility of funds granted; speeding the disbursement of funding; and providing incentives for the timely use of grant funds, in most cases requiring their expenditure within two months of disbursement. SRIA amended several portions of the Stafford Act and includes changing the processes for removal of debris and repair/restoration of certain facilities; allowing "pre-payment" of up to 25 percent of hazard mitigation grant funds; amending the environmental and historical review process; allowing tribes to directly request a disaster declaration; and instructing FEMA to develop a national strategy for future disaster cost reduction.

Other initiatives enabled by SRIA include the addition of child care under the Other Needs Assistance program within the Individuals and Households Program; the reimbursement of salaries for government employees in certain cases; allowing FEMA to deal with private owners of multi-unit rental properties to extend housing

resources; using alternative dispute resolution to settle cost and other issues; examining what constitutes a “small project,” and reviewing the factors considered when assessing needs under the Individual Assistance program. Due to the extent and broad impact of SRIA, only a few of the most relevant changes to mitigation and related topics are covered in the summary below:

Public Assistance

A major revision of SRIA changes the way FEMA may distribute Public Assistance (PA) funds used to repair or replace damaged facilities. Prior to SRIA, reimbursement was generally limited to the final, actual costs of repair/reconstruction and grants based on estimates were capped at \$67,500. SRIA authorizes FEMA to now award funding based on an estimate of anticipated costs, prepared by a licensed engineer, rather than final costs for all size projects. However, when availing themselves of this new provision, the grantee accepts responsibility for any costs over the estimate; conversely, any *unspent* grant funding for specific projects (if the estimated cost is higher than the final actual cost) may be used for eligible hazard mitigation and other activities that reduce risk from future disasters. In addition, SRIA allows multiple projects to be consolidated into a single project without penalty, thus allowing the applicant to rebuild what is *needed*, rather than what was destroyed, and easing the administrative burden on the applicant (i.e., consolidating damaged schools in one district).

Debris Removal

In an effort to expedite the removal of destroyed buildings and other debris, for large projects FEMA may now offer incentives for governments with pre-approved debris removal plans and contracts. SRIA also authorizes FEMA to reimburse “straight time” costs of public employees associated with debris removal where previously only overtime costs were eligible. In addition, a sliding scale will now be implemented that rewards applicants for the quick removal of debris within certain timeframes. Importantly, SRIA allows an applicant to retain any proceeds from recycling debris material with no impact on PA grant funding, meaning that all proceeds from recycling can be used in addition to the already awarded grant for recovery. This is meant to encourage applicants to recycle reusable materials rather than place them in a landfill or use another disposal method.

Unified Federal Review

SRIA requires that a Unified Federal Review process be established, addressing the needs and requirements of various federal statutes such as the National Historic Preservation Act, Endangered Species Act, Clean Water Act, and others, to provide an expedited interagency review process for projects in a disaster-impacted area.

Hazard Mitigation

SRIA seeks to streamline the distribution of Hazard Mitigation Grant Program (HMGP) funding. This provision requires that FEMA expedite review of the National Environmental Policy Act and the National Historic Preservation Act as they pertain to properties of interest for mitigation purposes. This procedure also allows multiple properties to be considered as a group. It also permits FEMA to commit up to 25 percent of the estimated costs of mitigation projects to the state *prior* to the finalization of actual project costs. FEMA may now also omit the time generally used for notice and rulemaking if it has been determined that this is needed to expedite the dispersal of the HMGP funding. The long term changes in disaster recovery enabled by the Sandy Recovery and Improvement Act are not yet known, as there has been limited time to assess the changes to the process; however, it is expected that the Sandy Recovery Improvement Act of 2013 will enable residents and communities to begin the task of disaster recovery at a speed not possible following earlier events.

More Information: The text of the Act itself may be found at www.govtrack.us/congress/bills/113/hr219/text .

A detailed discussion of the Act, written by the Congressional Research Service for members of Congress, can be found online at www.fas.org/sqp/crs/misc/R42991.pdf .

A section by section update on the current status of implementation of the law can be found at <https://www.fema.gov/sandy-recovery-improvement-act-2013>.

Update 3: Resilient Monroe

The City of Monroe and the charter townships of Frenchtown and Monroe have embarked on a joint effort to create a new master plan for the city and to update the existing master plans for the two charter townships that wrap around the city. Because the three communities have much in common and many similar needs, the three jurisdictions pooled their resources to develop one report covering the “greater Monroe community.” The Community Planning Committee, which is made up of representatives from all three jurisdictions, developed Resilient Monroe a land-use planning and community design project. In October 2013, Resilient Monroe released a report on their findings called the *Resilient Monroe Resource Atlas*.

While the entire report covers many aspects of the communities including several risk factors in the area, from heat exposure, environmental pollution, food supply, and others, this review will focus on the investigation of the flood risk and mitigation solutions found in the report. A central theme of the *Atlas* is climate change and how the environment will be impacted by increased heat and precipitation spikes in the upcoming decades. The *Atlas* notes that southeast Michigan may have a climate much like that found in Arkansas today by 2050, bringing about a whole new set of challenges, such as intense heat and a greater likelihood of drought. These changes are so acute that the historic meteorological data from the past years may no longer be a reliable predictor for use in future methodologies.

The most severe flooding in recent history to impact the Monroe area occurred in 2011 when there were two 25-year recurrence interval rain events back to back in a two-day period. In addition, five monthly “total rainfall” records have been broken since 2001 and the total 24-hour total record for rain in the city of Monroe was also surpassed in 2011. Couple that with warming temperatures year round with more precipitation falling as rain throughout the winter and the threat of potential flooding increases every year.

While there is little that any one community can do to stop climate change or the flooding challenges that may accompany a more volatile future, local communities can anticipate those changes and plan for the needs of tomorrow. This is a central tenant of “resilience” as defined in the *Atlas*: “...the ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events”.

All three communities have large portions of their jurisdictions shown in Special Flood Hazard Areas (SFHA) on the Flood Insurance Rate Map (FIRM) for Monroe County. Areas in the SFHA include much of downtown Monroe along the Raisin River and Stony Creek in Frenchtown Township and most of the Lake Erie shoreline and nearby areas.

As described in the *Atlas*, “due to low slopes, poorly drained soils, and an extensive network of rivers and tributaries, the area is prone to flooding. The presence of silty clay loam causes many areas in the Monroe area to be susceptible to ponding, especially in low-lying pockets”. These “ponding areas” are identified in the *Atlas* and impact nearly every corner of the three communities, with only the downtown area of the city free of large potential ponding areas. It is important to note that the vast majority of these ponding areas are outside of the SFHA as shown on the FIRM, meaning that Federally-mandated flood insurance is not required in these areas for structures with Federally-backed loans, though flooding is still probable.

Using GIS, the *Atlas* identified over 9,000 buildings located in either the SFHA, 0.2-percent Annual Chance (500-year) Flood area, and/or the areas identified as subject to ponding. This number represents approximately 35% of all buildings in the three communities. In the SFHA alone, over 3,400 buildings (about 13%) are at risk from the 1-percent flood.

Furthermore the *Atlas* examines the particular “flooding sensitivity” of certain homes and neighborhoods in the three communities. The flood sensitivity is based on various and wide ranging factors including the age of the structure, the materials used in construction (often an outgrowth of the year built), home value, income, and

other factors. Not surprisingly, there was a great deal of overlap between areas of flood-sensitive homes and the SFHA/ponding areas, especially along the Lake Erie shoreline in Frenchtown.

Another important aspect of the report was a series of surveys of local residents. One survey asked a set of questions regarding stormwater and flood hazards and the results are part of the *Atlas*. When asked what stormwater control measures residents favored, the planting of more trees and other vegetation and wetland preservation scored high, while another effective tool in combating runoff, reducing or limiting the size of paved parking areas, scored relatively low. Asking questions like this are important for many reasons, including gauging the level of community awareness of what works in mitigation, and just as importantly, for developing a strategy for community buy-in for those projects that residents and business owners may be unsure of or even distrust.

In the end, the report forwards several recommendations for addressing the area's flood hazard needs in the coming years. The actions suggested include providing incentives to property owners to limit parking lot sizes, encouraging the use of pervious surfaces, and retaining stormwater on-site by utilizing rain gardens, bio-swales, and other methods. Other suggestions covered offering information on best practices for stormwater management to homeowners, farmers, and businesses; raising the elevations of key infrastructure facilities; prohibiting the building of new structures in the SFHA; and several other methods of reducing flood hazard risk.

The Resilient Monroe report is a valuable tool that can be used to identify those residents and properties most at risk of flooding and not just those shown on the FIRM in the SFHA. The FIRM is a critical tool, but it is important to remember that it has limitations and it should be augmented with additional information whenever possible to assist citizens in making sound decisions regarding property and personal safety. Resilient Monroe can be found online at <http://www.resilientmichigan.org/monroe.asp>.



MEMORANDUM FOR: Write Your Own (WYO) Principal Coordinators and the National Flood Insurance Program (NFIP) Servicing Agent

W-14013

April 11, 2014

FROM: NFIP Clearinghouse

SUBJECT: June 2014 Revisions to the NFIP Flood Insurance Manual Posted Online

The revisions to the NFIP Flood Insurance Manual that will become effective on June 1, 2014, have been posted for your reference to the FEMA website at <http://www.fema.gov/media-library/assets/documents/93344> . **See the following letter by Edward L. Connor, Deputy Associate Administrator for Federal Insurance.**

Please contact the iService WYO Support Team at wyo@nfip-iservice.com if you have any questions.

The following letter by Edward L. Connor, Deputy Associate Administrator for Federal Insurance, is from the June 1, 2014, updated NFIP Flood Insurance Manual. It provides a good summary of highlights for insurance agents to be aware of, about the 2012 Biggart-Watters Insurance Reform Act and the 2014 Grimm-Waters Homeowner Flood

April 2014

Dear NFIP Flood Insurance Manual User:

This edition is a complete reissue of the NFIP Flood Insurance Manual, updated with program changes that become effective June 1, 2014. All pages display the new date, and change bars identify the updated information. This release of the NFIP Flood Insurance Manual reflects changes required for the implementation of the Biggart-Watters Flood Insurance Reform Act of 2012 (BW-12).

On March 21, 2014, President Obama signed the Homeowner Flood Insurance Affordability Act of 2014 into law. This law repeals and modifies certain provisions of BW-12 and makes additional program changes to other aspects of the program not covered by that Act. Many provisions of BW-12 remain and are still being implemented. Because the enactment of the Homeowner Flood Insurance Affordability Act of 2014 occurred when the June 2014 Flood Insurance Manual was close to completion, the NFIP will be issuing adjustments to this edition of the Manual at a later date to address the changes required by the new Act.

Significant revisions include the following:

- Updates to the NFIP Servicing Agent Contact Information and NFIP Bureau and Statistical Agent Regional Offices (REF Section).
- Revised primary residence definition and new underwriting requirement to verify the eligibility for primary residence (GR, APP, PRP, and DEF Sections).
- Clarification of rules regarding tenant's coverage and only one policy per building (GR, END, and CN Sections).
- New maximum limits for Other Residential buildings (RATE and PRP Sections).
- Revised deductible amounts, deductible factors and changes to the minimum deductible (RATE and CONDO Sections).
- Inclusion of the 2014 edition of the Residential Basement Floodproofing Certificate (CERT Section).

- New Renewal Notice requirement to include a message on the back of the Renewal Notice about the advantage of using certified mail to submit premium payments (REN Section).
- Revised Cancellation Reason Code 9 to include a Letter of Map Revision under the same rules for a Physical Map Revision (CN Section).
- Updates to the Community Rating System Eligible Communities list (CRS Section).

Thank you for your continued support of the NFIP.

Sincerely,
Edward L. Connor
Deputy Associate Administrator for Federal Insurance





Michigan Stormwater-Floodplain Association Outstanding Service Award Guidelines

The Michigan Stormwater-Floodplain Management Association (MSFA) was formed in 1987 in response to a need expressed by floodplain professionals for a common forum, and a network that supports and improves their management of Michigan's storm water and floodplains. The MSFA recognizes professionals contributing to better storm water and floodplain management through the annual presentation of the *MSFA Outstanding Service Award*. In addition, MSFA will nominate the award winner for consideration at the national level through the Association of State Floodplain Managers (ASFPM) award program.

Please help the MSFA in recognizing outstanding local, regional and state programs and professionals, by nominating one of Michigan's floodplain management leaders!

MSFA Outstanding Service Award Criteria

The *MSFA Outstanding Floodplain & Stormwater Management Service Award* will be awarded to a floodplain manager, local official, consultant, or other individuals who has gone above and beyond normal expectations and duties to promote MSFA's goals. This award is designed to honor an individual whose contributions have resulted in an outstanding local program or activity for comprehensive floodplain & storm water management, or unique programs that encourage flood impact awareness and reduction. The recipient of this award will serve as a role model and inspiration to other floodplain and storm water management professionals.

- ✓ The recipient will be selected based upon his/her outstanding accomplishments in, or contribution to the field of storm water and floodplain management in Michigan.
- ✓ The recipient will be selected based upon his/her leadership and demonstration of both personal and professional character of the highest quality.
- ✓ The activities and work undertaken by the recipient shall demonstrate a direct impact on improving the quality of life through better water resource management in accordance with the MSFA purpose and objectives (on-line at mi.floods.org).

MSFA Outstanding Service Award Application and Instructions

- ✓ Complete the MSFA Outstanding Service Award application.
- ✓ Attach a one-page summary of the nominee's qualifications and activities.
- ✓ Publications, photographs, videos, letters of recommendation and project descriptions may be submitted to support your nomination (all submitted materials will become the property of MSFA).
- ✓ Submit application, description and supporting materials to:

Michigan Stormwater & Floodplain Management Association
P.O. Box 14265
Lansing, Michigan 48901-4265

You may direct any questions to Awards Coordinator, Thomas Smith at 616-364-8491



The deadline for submittal of annual nominations is November 1, 2014



Michigan Stormwater-Floodplain Association

Outstanding Service Award Application

Name of Nominee _____

Address _____

Phone No. _____ Employer _____

Employer Contact/Phone _____

On a separate page, please describe the qualifications and activities of the nominee. Please address the award criteria and provide specific information, including any substantiating materials, which support your nomination.

Nominated by _____

Address _____

Phone _____ E-mail _____

Fax _____ Date Submitted _____

Submit nominations to:

Michigan Stormwater & Floodplain Management Association
P.O. Box 14265
Lansing, Michigan 48901-4265

DEADLINE: November 1, 2014



Michigan Stormwater-Floodplain Association 2014/2015 Scholarship Application

The Michigan Stormwater-Floodplain Association (MSFA) is the Michigan Chapter of the Association of State Floodplain Managers (ASFPM). MSFA began in 1987 to promote the common interest in floodplain and stormwater management, enhance cooperation among various local, state and federal governmental agencies, and to encourage effective and innovative approaches to managing the State's floodplain and stormwater management systems. The Association's mission is to mitigate the losses, costs and human suffering caused by flooding and to promote wise use of the natural and beneficial functions of floodplains. MSFA supports comprehensive nonstructural and structural management of Michigan's floodplains and related water resources and the concept of "No Adverse Impact". MSFA members represent local, state and federal government agencies, citizen groups, private consulting firms, academia, the insurance industry, and lenders. MSFA's goals are to help the public and private sectors:

1. Reduce the loss of human life and property damage resulting from flooding.
2. Preserve the natural and cultural values of floodplains.
3. Promote flood mitigation to prevent the loss and encourage wise use of floodplains.
4. Avoid actions that exacerbate flooding and or stream degradation.
5. Promote a watershed approach to stormwater management.
6. Promote the use of best management practices to minimize accelerated erosion and control sedimentation.

Applicant Criteria:

1. Full time Junior, Senior or Masters Student in Biosystems, Civil, or Environmental Engineering, or related Natural Resources Planning program with a specialization related to the mission and goals of the MSFA at a Michigan University.
2. Have a cumulative grade point average of 3.0 or above at the end of Spring Semester 2014.

Along with this completed form you **MUST** also attach:

1. A copy of your program of study showing courses remaining and a photocopy of your transcript.
2. A current resume that includes a statement of your career objectives and your graduation date.
3. A one-page typed essay highlighting your academic achievements, extracurricular activities, past and present work experiences, the occupation you propose to pursue upon graduation and your level of commitment to the mission and goals of the MSFA.
4. Letter of recommendation from a faculty of your department.

The academic year 2013/2014 award amount is \$1500. Applicants can expect a response in January 2015.

Questions may be directed to any MSFA Board Member listed under Contacts at <http://mi.floods.org>.

Scholarship recipients will be recognized at the 2015 MSFA Annual Conference, March 4 – 7, 2015, McCamly Plaza Hotel, Battle Creek, Michigan. Awardees are required to participate in the conference as an MSFA guest (conference fee and lodging will be covered by MSFA). MSFA board members will assist you in meeting other conference attendees, including vendors and prospective employers.

Name (last, first, middle): _____

Local Address: _____

Permanent Address: _____

Local Phone: _____ E-mail: _____ University Attending: _____

Are you currently on any type of financial aid? (Please circle) Yes No

Have you received any other scholarships awards for academic year 2013/2014? Yes No

If yes to either, describe financial aid package and/or scholarship award received on a separate page and attach it to your application.

Applicant's Signature: _____ Date: _____

APPLICATIONS MUST BE POSTMARKED BY: Friday, November 1, 2014

Mail to: MSFA, PO Box 14265, Lansing, MI 48901-4265

