



# Federal Emergency Management Agency

Washington, D.C. 20472

## ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

# The NFIP and Levees

## An Overview

*There are thousands of miles of levees in the United States that affect millions of people. These structures, usually earthen embankments, are designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. However, no levee provides full protection.*

*The Department of Homeland Security's Federal Emergency Management Agency (FEMA) manages the National Flood Insurance Program (NFIP), the cornerstone of the Nation's strategy for preparing communities for flood disasters. The NFIP was created to reduce flood damages by identifying flood risks, encouraging sound community floodplain management practices, and providing flood insurance to lessen the financial impact of flooding.*

### LEVEES: PROTECTION WITH RISK

Levees are designed to provide a *specific level of protection*. They can be overtopped or fail in larger flood events. Levees also decay over time. They require regular maintenance and periodic upgrades to retain their level of protection. When levees do fail, they fail catastrophically. The damage may be more significant than if the levee was not there. For all these reasons, FEMA urges people to understand their flood risk.

### FLOOD HAZARD MAPS IDENTIFY FLOOD RISKS

FEMA is updating flood hazard maps called Flood Map Modernization. These maps (also known as Flood Insurance Rate Maps, or FIRMs) indicate the high-risk zones (Special Flood Hazard Areas) with at least a one-percent chance of flooding in a given year. They also show the low-to-moderate risk zones with a less than one-percent-annual-chance of flooding.

Identifying the risks behind levees is an important element of Flood Map Modernization. Levees are present in one out of every four counties being remapped. The maps recognize some levees as providing protection from the one-percent-annual-chance flood, showing the areas behind them as moderate risk zones. However, before a levee can be shown as providing that level of protection, it must meet FEMA's accreditation criteria.

The levee owner must provide documentation to indicate that the levee meets the criteria. If it does, the map will show the area behind the levee as a moderate risk zone. If it does not, the map will show the area as a high-risk area, or Special Flood Hazard Area (SFHA).

Ensuring the safety of life and property in areas behind levees is a collaborative effort.

FEMA establishes criteria for levee accreditation and identifies risk levels through flood analysis and mapping projects.

The U.S. Army Corps of Engineers (USACE) is responsible for building and maintaining USACE-owned levees, and for inspecting those structures in the USACE programs to determine their level of maintenance.

States, communities, and private levee owners assure that the levees they own are maintained to their design.



Because gathering the necessary documentation can take time, FEMA is allowing owners of eligible levees two years to provide evidence of the levee's status. During that time, the levee will be shown on the map as provisionally accredited and the area behind it will be shown as having a moderate flood risk.

It is important to note that accrediting a levee does not guarantee protection. For all levees, the maps will carry a warning that overtopping or failure of levees, dikes, or other structures is possible, and that flood insurance protection and adherence to evacuation procedures are strongly recommended.

### **REDUCING THE RISK BEHIND LEVEES**

Communities that join the NFIP are required to adopt floodplain management ordinances. These ordinances are designed to minimize damages to homes and businesses located in Special Flood Hazard Areas. In areas behind levees that are mapped as Special Flood Hazard Areas, the NFIP requires all new or substantially improved buildings to be constructed to or above the elevation of the one-percent-annual-chance flood. In areas behind levees that are mapped as low-to-moderate risk areas, no NFIP floodplain management requirements apply. However, appropriate precautions are still encouraged as the risks for overtopping or failure of the levee remain.

### **FLOOD INSURANCE AND LEVEES**

Flooding is the Nation's number one natural disaster. Because homeowners insurance does not

cover damage from floods, FEMA offers federally backed flood insurance through the National Flood Insurance Program (NFIP). In many low-to-moderate risk areas, single-family homes and businesses are eligible for reduced-cost Preferred Risk Policies (PRP).

Areas behind levees that are credited as protecting against the one-percent-annual-chance flood will be mapped as areas of moderate risk and will not be *required* to have insurance coverage.

However, FEMA recommends flood insurance for *all* properties behind levees. Flood hazard maps carry a warning that overtopping or failure of the levee, dike, or other structure is possible, and that flood insurance and adherence to evacuation procedures are strongly recommended.

Professional and technical associations, including floodplain and stormwater management and engineering groups, are educating their members about flood risks and appropriate floodplain mitigation measures.

Requirements for "Mapping of Areas Protected by Levee Systems" are outlined in Title 44 of the Code of Federal Regulations Section 65.10.

Procedures for levee accreditation can be found in:

FEMA's "Guidelines and Specifications for Flood Hazard Mapping Partners – Appendix H: Guidance for Mapping of Areas Protected by Levee Systems."

FEMA Procedure Memorandum 34, "Interim Guidance for Studies Including Levees."

FEMA Procedure Memorandum 43, "Guidelines for Identifying Provisionally Accredited Levees."

Find these documents and more at [www.fema.gov/plan/prevent/fhm/lv\\_intro.shtm](http://www.fema.gov/plan/prevent/fhm/lv_intro.shtm)