Changes to the National Flood Insurance Program – What to Expect

Impact of changes to the NFIP under Homeowner Flood Insurance Affordability Act of 2014

BW-12: What Changed

- Subsidies to be phased out
  - Non-primary residences
  - Business properties
  - Severe repetitive loss properties (1-4 residences), and properties where claims payments exceed fair market value

- New policies to be issued at full-risk rates
  - After the sale/purchase of a property
  - After a lapse in insurance coverage
  - After substantial damage/improvement
  - For properties uninsured as of BW-12 enactment
  - As new or revised Flood Insurance Rate Maps are issued (grandfathered rates planned to be phased out over 5 years)

More Changes are Coming to the NFIP

  - Repeals and modifies certain provisions of BW-12
  - Makes additional program changes
  - Leaves some parts of BW-12 intact.
- Policyholders SHOULD NOT cancel policies!
- FEMA is working with our Write Your Own (WYO) insurance company partners, Congress, others to implement
  - Prior to restoring and refunding premiums, the law requires FEMA to consult with its WYO insurance companies to develop and finalize guidance and rate tables within eight months - FEMA and the WYOs have up to eight months to implement.
  - To date, NFIP has held at least seven conference calls and met in person with senior company representatives.
Key Priorities

- FEMA is actively analyzing and prioritizing implementation of the new Act.

Initial Priority

- 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 Write Your Own insurance companies to begin issuing refunds to some policyholders.

Key Priorities include:

- Refunds, Rates, and Surcharges
- Mapping
- Promote Mitigation
- Flood Insurance Advocate

Stop Rate Increases

WYO Bulletin – April 15, 2014

**STOP RATE INCREASES**

- Beginning May 1, 2014, for all new applications for flood insurance and renewal of flood insurance policies for properties covered by Section 3, FEMA will require its Direct Servicing Agent and Write Your Own companies to use the October 1, 2013 Pre-FIRM subsidized rates when more favorable for properties covered by Section 3.

**REFUND GUIDANCE DEVELOPMENT**

- The use of the October 2013 rate tables is an interim step while FEMA develops new rate tables and guidance to process and issue refunds for policyholders covered by Section 3 who were charged full-risk premiums under Biggert Waters and are now eligible for Pre-FIRM subsidies.

Refunds, Rates, and Surcharges

**Premium Rates for Subsidized Policies**

- New law requires gradual rate increases to properties with subsidized rates instead of immediate increases to full-risk rates.

- Required to increase premiums for most subsidized properties by no less than 5 to 15 percent annually within a single risk class, but no more than 18 percent annually for a individual policyholder, annually until the class premium reaches its full-risk rate.

- Policies for the following properties will continue to see up to 25 percent annual increases 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;
Refunds, Rates, and Surcharges

Refunds
- FEMA is working closely with the WYO insurance companies to develop a timetable for processing refunds expeditiously.
- The new Act mandates refunds of the excess premiums for certain flood insurance policies affected by the Pre-Flood Insurance Rate Map (Pre-FIRM) subsidy elimination required by BW-12.
- Refunds will not affect all subsidized policyholders who received rate increases as directed by Congress in BW-12.

Mandatory Surcharges (Sec. 8)
- Applies to all policies
- 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.
- Surcharges are not considered premium and are therefore not subject to premium increase caps required under Section 5 under the new Act.

Grandfathering (Sec 4)
- HFIAA restores FEMA’s ability to grandfather properties into lower risk classes.
- For newly identified properties, the law sets first year premiums at the same rate offered to properties located outside the SFHA (Preferred Risk Policy rates).
- With limited exceptions, flood insurance premiums cannot increase more than 18 percent annually.
- Grandfathered policy holders are not entitled to refunds.
Affordability Study

Draft Affordability Framework (Sec. 9 & 16)

- In developing the affordability framework, FEMA must consider:
  - accurate communication to customers of flood risk,
  - targeted assistance based on financial ability to pay,
  - individual and community actions to mitigate flood risk or lower cost of flood insurance,
  - impact of increases in premium rates on participation in NFIP,
  - impact of mapping update on affordability of flood insurance.

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

Other Provisions

- The Act permits FEMA to account for flood mitigation of the property in determining a full-risk rate. (Sec. 14) (Requires Rulemaking)
- The Act mandates that FEMA develop a monthly installment payment plan for non-escrowed flood insurance premiums, which will require changes to regulations and the Standard Flood Insurance Policy contract. (Sec. 11) (Requires Rulemaking)
- The Act increases maximum deductibles for residential properties. (Sec. 12)
- The Act 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. (Sec. 7)

Small Business (Sec. 29)

- Sec. 29 requires FEMA to report to Congress on the effects the Pre-FIRM subsidy phase-outs and surcharge on small businesses, non-profits, houses of worship and certain residences.
  - If FEMA determines the rate increases and surcharges are having a detrimental effect on affordability, FEMA must submit appropriate affordability recommendations to Congress.

HPAA Impacts to Businesses

- Business properties are included within the “non-residential” policy class. FEMA is actively working to determine how best to identify and classify businesses within the category.
- Older Business properties paying pre-FIRM subsidized rates will continue to see up to a 25 percent annual increases as required by BW-12 until they reach their full-risk rate. This requirement was not changed as a result of the HFIAA.
Mapping

Enhanced Communication and Outreach
- FEMA will continue Mapping activities.
- BW-12 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.
- Sec. 30 of HFIAA requires additional layers of enhanced notification and outreach to congress and other stakeholders.

Technical Mapping Advisory Council
- Technical Mapping Advisory Council (TMAC) to review the new national flood mapping program activities authorized under the 2012 and 2014 flood insurance reform laws.
  - FEMA will seek the TMAC’s recommendations on meeting new 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.
  - The law requires the Administrator to certify in writing to Congress that FEMA is utilizing “technically credible” data and mapping approaches.

Flood Insurance Rate Map Appeals
- The Act lifts the $250,000 limit on the amount FEMA can spend to implement a program to reimburse property owners and communities for successful map appeals based on a scientific or technical error.
- The Act applies to statutory appellants who successfully appeal the Agency’s proposed flood elevations and special flood hazard areas.
- Rulemaking is required to implement this provision.
- The new law does not apply to Letter of Map Amendment (LOMA) and Letter of Map Revision (LOMR) requests, or any expenses associated with them.

Flood Protection Systems
- Authorizes FEMA to account for state and local funds used in the construction or restoration of a flood protection project when determining whether the project meets the statutory requirements to be eligible for discounted premiums. (Sec. 19)
  - FEMA is required to include the value of existing protection features in measuring adequate progress for the restoration of levees. (Sec. 19)
Mapping

Fees

• Law exempts mapping fees for flood map changes due to habitat restoration projects, dam removal, culvert re-design or installation, or the installation of fish passages. (Sec. 22)

Flood Control Features

• 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. (Sec. 27)

Flood Insurance Advocate

• Educates on:
  • Individual flood risks;
  • Flood mitigation;
  • Measures to reduce rates through effective mitigation;
  • The rate map review and amendment process;
  • Changes in the program as a result of any newly enacted laws.
• Assists in understanding how to appeal preliminary rate maps and implementing measures to mitigate evolving flood risks;
• Assists in developing regional capacity;
• Coordinates outreach and education with local officials and community leaders in areas impacted by map amendments and revisions; and
• Aids potential policy holders in obtaining and verifying accurate rate information when purchasing or renewing a policy.

More Information & Updates

• For more information and updates as they become available, visit: