

Listening Session – November 17, 2020

**National Flood Insurance Program (NFIP) State Coordinator at Department of Conservation and Recreation (DCR),
Joy Duperault**

Notes

Others in attendance: Liz Durkee, Ben Robinson, Megan Gombos, Kathy Newman

FEMA no longer provides data to DCR's Flood Hazard Management Program (2 person shop). Communities must reach out directly to FEMA with their request on flood insurance claims through the NFIP.

Tom Young is an NFIP policy expert, 603-625-5125 or thomas.young@associates.fema.dhs.gov

Flood Insurance and Future Development

Flood insurance for an empty lot cannot be purchased but once development permits are issued, it can be arranged. Once a Certificate of Occupancy is issued, the policy goes into effect.

Joy noted a trend for 40B type developments across the nation, where developers acquire land in backwater flood zones. These buildings are, nonetheless, built to flood resistant standards. Yet some level of risk clearly remains. In MA., many 40B projects are subject to the MEPA review; they get listed in the Environmental Monitor and that serves as the medium to alert a range of stakeholders that these projects are in the pipeline.

Letters of Map Revision

In the context of flood zone maps, a Letter of Map Revision (LOMR) is issued if there is compelling evidence that the flood maps are overestimating risk. Developers typically pursue these. The entity requesting a LOMR is responsible for the costs associated with the requisite hydrologic and hydraulic (H&H) study.

In the Order of Conditions for ConComs, Land Subject to Coastal Storm Flowage will be addressed if there is an erosion risk. In the case of the Harborwood infrastructure proposal along Beach Road in Tisbury, Joy did not believe that the velocity zone would be impacted enough to elevate the risk for adjacent properties.

Height Restrictions in Coastal Areas

Hull, MA is an example where the height restrictions are extended if the overage is owing to mitigation of flood risk. The Tisbury Waterfront Commercial also accounts for this and the 28' height limit begins at the lowest member of the 1st floor. If in the Special Flood Hazard Area (SFHA), the 1st floor must be elevated to the Design Flood Elevation (DFE) – one to two feet above the Base Flood Elevation (BFE)

Cycle of Community Wide Flood Zone revisions

Congress has a standing authorization in the Flood Act to appropriate up to \$400 million each year towards flood map revisions, nationwide. For a number of reasons, they typically spend closer to \$100 million. This year the expenditure is \$263 million.

Region 1 (FEMA): Risk analysis branch looks at the region and asks what can we do, now that coastal maps have been updated? Franklin County doesn't even have a digital flood map. They are now trying to account for storm water and Sea Level Rise (SLR) in their analyses'.

FEMA is now also working on a watershed by watershed basis. They finished the Cape watershed (strangely enough, this watershed actually just includes Bourne).

Mitigating Impacts in a Flood Zone

Association of State Floodplain Managers (ASFPM) is promoting a tool entitled "No Address Impact". Its purpose is to ensure a BFE is not raised on any single property owing to development.

Developers can still obtain federally backed flood insurance in flood zones. Coastal Resources Protection Zones are only places you can't receive federal assistance (or flood insurance).

Climate Change

All agencies are aware of Climate Change; agencies are working hard to make substantive changes, but there is resistance; some pockets of flood zones are owned by developers. Ex) Board of Building Regulations and Standards (BBRS). They will not recognize Coastal A zones. Whereas many institutions, require applicants to build to V zone standards when a project is in the Coastal A zone, BBRS refuses to do so and claims it is an undue burden. Joy noted its members are appointed.

On a positive front, the MA Hazard Mitigation Plan (HMP) State HMP lists over 100 things state agencies are doing to become more resilient. There is an active group that tracks progress and coordinates these efforts.

Risk Rating Tools

MVC may consider promoting a tool that enables more transparency for potential buyers in the real estate market. This transparency would consist of a given property's risk level as they relate to a range of hazards.

Joy noted that FEMA FIRMs are used to rate policies; FEMA finally said those living on the river have greater risk than those living at the rear of the flood zone (barring completely flat terrain). For every point on the earth there's a whole group of risk factors. FEMA went ahead to engage a global risk rating company. FEMA is trying to implement this firm's risk rating yet they've chosen to do in incremental fashion.

In MA, lead and asbestos are the only two required items that compel a realtor to disclose what they know (in turn, many don't want to know the flood risk because it creates a moral dilemma); real estate industry has many loopholes to withhold risk.

NFIP policies only provide coverage up to \$250K.

Are there homes that are simply uninsurable? Joy doesn't believe this is a big issue. Outer Banks have huge swaths of Coastal Barrier Resources System (CBRA) zones, which took effect in the 1980's.

MA doesn't have too many areas in CBRA zones. With SLR, if property is primarily over water, you become uninsurable, but our area doesn't have many homes in that predicament.

Repetitive Loss properties

FEMA has a repetitive loss property list. NFIP has been reauthorized 17 times without fundamental reform. A federal change is needed to remove coverage from repetitive loss properties. MA has only 3,000 repetitive loss properties. Florida has roughly 50,000. Joy shared the repetitive loss property statistics by town with Dan Doyle.

To obtain repetitive loss information regarding these breakouts, contact Dan at doyle@mvcommission.org

Joy provided some resources in follow up to the conversation:

- Attached: Community Rating System (CRS) "What If?" reports for each community
- Link to the CRS program's "Quick Check List" to see what types of things may receive points for the program: <https://crsresources.org/200-2/quick-check/>
- Link to ASFPM's "No Adverse Impact" handbooks for communities: <https://www.floods.org/resource-center/association-of-state-floodplain-managers-nai-no-adverse-impact-floodplain-management/>
- NFIP policyholder questions: Tom Young, 603-625-5125 or thomas.young@associates.fema.dhs.gov
- FEMA Region I person to contact of a community wants data about their Repetitive Loss properties or policies for planning purposes, etc.: Garret Fish, 202-957-4109 or garrett.fish@fema.dhs.gov
- For someone who might meet with your communities to talk about the in's and outs of flood insurance (both private and NFIP): Joe Rossi, (781) 635-5152 or jrossi@knowflood.org