Update on Hurricanes Harvey, Irma & Maria and how they may or may not impact policy and programs

Written by Larry Larson, ASFPM’s Senior Policy Advisor and Director Emeritus

Last month, we reviewed the history of how major events changed national policy, or in a number of cases, the event did not change policy. This month we will update what is happening related to HIM (my acronym for the three hurricanes) and whether some policy changes might be in the offing.

On the surface, not much has happened. For Harvey and Irma, rebuilding is now happening and no additional standard has been attached to use of federal taxpayer dollars in rebuilding. There has been lots of discussion in the administration and congressional leadership of requiring stronger rebuilding when federal taxpayer dollars are used, but nothing has actually been required in the $51 billion in disaster assistance of the Hurricane Harvey and Irma response.
billion in disaster supplementals approved to date. The president has requested Congress approve another $44 billion, which will be acted on when they return from Thanksgiving break.

Interestingly, the $44 billion request includes $12 billion for mitigation through HUD. While ASFPM always supports mitigation funding, similar HUD funding was included in Harvey, but it’s funding many structural projects and did not require Benefit Cost Analysis nor inclusion of long-term operation and maintenance costs in the calculations.

We have also heard FEMA and Texas agreed to provide up to $60,000 per household to those without flood insurance for permanent repairs to homes in lieu of providing temporary housing, claiming it is less costly. The concern we have is the perverse effect it will have on people who bought flood insurance, who may be asking, “Why do they get that help and they did not buy flood insurance like we did?” We are also concerned this early dollars for permanent work will put pressure on local officials to not declare a building substantially damaged, so they will be repaired to the pre-flood status, only to be flooded again next time.

Are other appropriate considerations and changes being made to protect property owners and taxpayers? Let’s look at a few of them:

- **Mapping**—lots of discussion of changes in how areas like Houston must consider increases in urban flooding, but no actual changes yet.
- **Flood maps showing dam failure and dam operational flooding areas associated with dams/reservoirs?** Lots of complaints from people who were allowed to build below the Houston stormwater reservoirs, but did not know they were subject to flooding and had little/no warning before the gates were opened. However, we have seen no related policy changes to show these as flood-risk areas or to prevent building in them.
- **Private flood insurance policy performance**—we know there were many private flood policies, but since their payouts, etc. are not reported to FEMA or others, performance may be mostly anecdotal. We are especially concerned about what happens when these policies are up for renewal. We have heard of cases where private policyholders were not aware their damage did not qualify them for any of the NFIP mitigation funding under the Flood Mitigation Assistance program.
- **Stronger and more resilient regulations.** Besides a federal rebuilding standard discussed above, are states or locals improving their regulations to reduce the impact in similar future events? The only potential improvement we have heard is that Harris County, Texas is considering building to the 500-year flood level vs. the current 100-year level. However, that is not yet final, and that does not include the city of Houston, which is part of Harris County, but has its own regulation.
All things considered, we continue to provide suggestions on how the loss of life and property from these events can be reduced in the future, but we have seen little progress to date. This means the following questions we asked last month are not yet answered:

- Does the entire Disaster Relief Program actually set up a perverse incentive for states and communities to allow massive development in order to get money from real estate taxes, knowing the federal taxpayer will bail them out when the big flood disaster happens? Do the states that do the least get the biggest share of federal taxpayer dollars for their disaster?
  - Will Congress have the will to change this paradigm, or will we continue to reward those who do the least?

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**FEMA News You Can Use**

**Increased Cost of Compliance Policy Rate Increase April 1**

In a Sept. 29 memorandum announcing the April 1, 2018 and Jan. 1, 2019 program changes, FEMA announced there would be no changes to ICC premiums. However, after further consideration, FEMA is increasing ICC premiums, effective April 1, 2018, according to a bulletin from David Maurstad, FIMA’s assistant administrator for federal insurance. ICC premiums have remained constant for several years. To maintain program integrity and stability, FEMA has determined that ICC premiums must increase to keep pace with increased costs due to inflation over the years. Read the full bulletin here.
California’s Renewed Efforts in Floodplain Management
Training and Outreach

Written by Maria Lorenzo-Lee and Nikki Blomquist,
California Department of Water Resources

This year California received record rains that refilled reservoirs and ended the five-year drought. These storms renewed interest in raising awareness of floodplain risk and educating the public and flood management professionals. The California Department of Water Resources partnered with California Silver Jackets, CA/NV/HI Floodplain Management Association, and many other agencies on public outreach and professional development events.

One of these events, Watershed University, was originally held as a free two-day workshop in rural areas where experts shared information with local flood officials about state and federal floodplain programs and provided an opportunity to network with agency officials. California held one WU per year in the early 2010s, guided by FEMA, U.S. Army Corps of Engineers and DWR. In 2017, due to the possibility of flooding, the WU planning team decided to go virtual and host monthly webinars. With ASFPM’s approval, attendees were able to earn one CEC per session. WU’s eight webinars and recordings have been viewed by more than 670 professionals around California, the United States and even other countries such as New Zealand.

At the first webinar in April, the topic was FEMA’s Hazard Mitigation Assistance grants presented by California Governor’s Office of Emergency Services’ Julie Norris and Jennifer Hogan. In June, USACE’s Brian Rast provided an overview of floodplain management plans. In October, ASFPM’s Training and Outreach Committee Co-chair Jessica Ludy and Larry Roth (ENV SP, Arcadis-US) gave an overview of Tolerable Risk Guidelines.

Each September the CA/NV/HI Floodplain Management Association hosts the largest gathering of floodplain managers in the tri-state area. In 2017, ASFPM’s Larry Larson presented in the opening plenary on NFIP Reauthorization and Reform, which was moderated by DWR’s Michael Mierzwa.

It turned out that 2017 was not only a time to discuss floods, but also flood’s interaction with another type of natural disaster when wildfires burned throughout the state. Floods after fire emerged as a key
educational topic, especially during the sixth annual California Flood Preparedness Week (Oct. 21-28). During the week, DWR, FEMA, CalFIRE, USACE and other partners highlighted the dangers of floods after fire and precautions that can be taken by homeowners and local agencies. In addition, CA Silver Jackets worked to finalize a Post-Wildfire Guidebook modeled after New Mexico’s initiative.

Events were held at schools with local flood experts who distributed copies of CA Silver Jackets’ flood activity book. It shows kids how to complete an evacuation kit and provides a way for parents to have a conversation with their kids about what to do during a flood. More than 24,000 activity books (in English and Spanish) were distributed through local preparedness fairs, schools and CalFIRE outreach events.

Overall, 2017 provided time to train and educate Californians of all ages, though there is much more to do. Through partnerships and ASFPM’s Training and Outreach Committee, the state is working to support the committee’s goals of training for certified floodplain managers and provide opportunities to increase flood-risk communication and flood-risk awareness.
I hope all is well at ASFPM headquarters. Given that this is the year of lots of hurricanes, I have a report on one hurricane I expect has not been covered to a great degree by ASFPM. That is Hurricane Ophelia, which struck Ireland Oct. 16. Our daughter Joanna Hyde was just married in Ireland, in County Cork and I saw the aftermath with my own eyes.

Throughout County Cork, which includes the southwestern part of the island, we saw considerable tree damage. We drove from the Cork Airport to the little village of Inchigeelagh and then to Gougane Barra (where the wedding took place). Piles of tree damage were visible everywhere.

After the wedding, we hiked in the Shehy Mountains, headwaters for the River Lee, within Ireland’s first national park. A wildfire earlier in the year, and the strong winds and rain of Ophelia caused erosion and landslides in addition to tree damage.

My overall impression is that Ireland was fortunate, and also that they had worked hard in the two weeks before the wedding (I arrived the day before) to clean up and, in some cases, plant new trees. I also learned that the Irish people are incredibly friendly. They are, at least by my standards, the most hospitable, respectful, funny and generous inhabitants of a single country I have ever met. I am truly happy our daughter married an Irishman, Tadhg O’Meachair. I now have a bigger family with Tadhg, and his father really likes Western movies, so we talked about getting them out to Colorado soon.

Some of you may know our son, Iain Hyde, your former Flood Mitigation Committee co-chair. And depending on how long you’ve been with the association, you...
might remember young Iain 26 years ago when he played fiddle music with his older brother, Anders, at a cocktail party to kick off the ASFPM annual conference in Denver.

All three of our kids and my wife, Nancy, give me repeated and frequent instructions to “turn off my brain and give it a rest. Just sit back, relax and enjoy what is going on around you.” I think one of their primary objectives is to remind me that I was diagnosed with Parkinson’s Disease about 14 years ago. It’s already claimed a good portion of my brain’s energy and activity. I know they are right, but...

I’m sure many aren’t aware how much my passion for rivers, creeks, dry gulches, ponds, lakes, bays and oceans helps me in my ongoing efforts to achieve harmony with this uninvited guest who somehow believes it is the boss of my brain and the rest of me.

As part of my PD exercise therapy, I regularly walk on top of streams in my neighborhood that were covered over many years ago, relegated to storm sewer pipes, semi-obiterated by railroads, street builders, houses, stores and offices, and public agencies. While walking or jogging, I imagine magically acquiring enough political and social capital to daylight these hidden streams.

There is some physical evidence near my neighborhood to support the possibility of actually realizing my “wild vision.” One watershed over, on Westerly Creek, there are some tangible projects to reward and tantalize me—stream restoration and greenways at Lowry (a decommissioned Air Force base) and at Stapleton (a decommissioned international airport).

So that is, sincerely, a big part of my therapy. Communing with abused streams and getting rewarded with healing energy those stream are generous enough to give me, regardless of whether or not they have, themselves, been healed. It is very natural for me to walk or drive around our semi-arid steppe environment in the Front Range-urban corridor, where a number of watersheds have been scarred by the full spectrum of human activities. And in our mountain valleys, which have been scarred by mining, pine beetles, ski condos, highways and wildfires, and try to instinctively understand the drainage pattern without even realizing I’m doing it.

Despite my family’s instructions to give my brain a siesta, and despite knowing that our beautiful Joanna will be living in Ireland for the short-term future, I left my brain on while walking the floodplains of Gougane Barra, and in my own neighborhood.

Best regards to all of you,

Brian
ASFPM Member News…

**Dan Cherry**, P.E., CFM, was named the new Public Works Department Director in Yavapai County, Arizona. Dan is also one of the local host team coordinators for ASFPM’s next national conference, which will be held in Phoenix in 2018. Read the full article about his appointment here.

Dewberry hired **Dr. Siavash Hoomehr**, P.E., CFM, as a project manager for the firm’s New York City office. Hoomehr specializes in water resources engineering, including design and modeling of flood control projects; stormwater management and drainage design; advanced hydrologic and hydraulic modeling in support of U.S. Army Corps of Engineers flood-control projects and FEMA flood studies; dam break analysis, inundation mapping, and emergency action plans; levee superiority and interior drainage analyses; bridge scour analysis; and sediment transport modeling.

**John Miller**, P.E., CFM, CSM, was named to New Jersey Governor-elect Phil Murphy’s Environment and Energy Transition Committee. Read the full article here.

Usted no habla Inglés? ¡No hay problema!

The Natural Hazard Mitigation Association this year came out with Building Your Roadmap to a Disaster Resilient Future, which helps community stakeholders navigate through the varied and at times bewildering array of pre- and post-disaster resources and programs available to reduce the impact of natural, technological and human-made events. The document offers quick and effective access to resources, programs and ways of building agreement on pursuit of resilience, following the “whole community” approach...in English.

Understanding the importance of reaching a Spanish-speaking audience, many helped to translate the 53,000-word document. Construya Su Ruta para un Futuro Resiliente ante Desastres is now also available.

Edward Thomas, attorney and NHMA president, said, “We plan to work with American Bar Association and others to quickly move to develop a webinar in Spanish to explain the contents of Construya Su Ruta para un Futuro Resiliente ante Desastres, so that this document can help in the ongoing recovery in the Spanish-speaking areas of Puerto Rico, the US Virgin Islands, Florida and Texas.

The production of this Spanish-language version of Roadmap to Resilience was significantly influenced by ABA President Hilaire Bass, who determined all ABA materials placed on the ABA website to assist in post-Hurricane Harvey recovery would be produced in English, 508 compliant and Spanish language versions.
Below are highlights of the draft 4th National Climate Assessment, which was made public Nov. 3


The climate of the United States is strongly connected to the changing global climate. The statements below highlight past, current and projected climate changes for the United States and the globe.

Global annually averaged surface air temperature has increased by about 1.8°F (1.0°C) over the last 115 years (1901–2016). This period is now the warmest in the history of modern civilization. The last few years have also seen record-breaking, climate-related weather extremes, and the last three years have been the warmest years on record for the globe. These trends are expected to continue over climate timescales.

This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.

In addition to warming, many other aspects of global climate are changing, primarily in response to human activities. Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor.

For example, global average sea level has risen by about 7–8 inches since 1900, with almost half (about 3 inches) of that rise occurring since 1993. Human-caused climate change has made a substantial contribution to this rise since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years. Global sea level rise has already affected the United States; the incidence of daily tidal flooding is accelerating in more than 25 Atlantic and Gulf Coast cities.

Global average sea levels are expected to continue to rise—by at least several inches in the next 15 years and by 1–4 feet by 2100. A rise of as much as 8 feet by 2100 cannot be ruled out. Sea level rise will be higher than the global average on the East and Gulf Coasts of the United States.

Changes in the characteristics of extreme events are particularly important for human safety, infrastructure, agriculture, water quality and quantity, and natural ecosystems. Heavy rainfall is increasing in intensity and frequency across the United States and globally and is expected to continue to increase. The largest observed changes in the United States have occurred in the Northeast.
Heatwaves have become more frequent in the United States since the 1960s, while extreme cold temperatures and cold waves are less frequent. Recent record-setting hot years are projected to become common in the near future for the United States, as annual average temperatures continue to rise. Annual average temperature over the contiguous United States has increased by 1.8°F (1.0°C) for the period 1901–2016; over the next few decades (2021–2050), annual average temperatures are expected to rise by about 2.5°F for the United States, relative to the recent past (average from 1976–2005), under all plausible future climate scenarios.

The incidence of large forest fires in the western United States and Alaska has increased since the early 1980s and is projected to further increase in those regions as the climate changes, with profound changes to regional ecosystems.

Annual trends toward earlier spring melt and reduced snowpack are already affecting water resources in the western United States and these trends are expected to continue. Under higher scenarios, and assuming no change to current water resources management, chronic, long-duration hydrological drought is increasingly possible before the end of this century.

The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally. Without major reductions in emissions, the increase in annual average global temperature relative to preindustrial times could reach 9°F (5°C) or more by the end of this century. With significant reductions in emissions, the increase in annual average global temperature could be limited to 3.6°F (2°C) or less.

The global atmospheric carbon dioxide (CO2) concentration has now passed 400 parts per million (ppm), a level that last occurred about 3 million years ago, when both global average temperature and sea level were significantly higher than today. Continued growth in CO2 emissions over this century and beyond would lead to an atmospheric concentration not experienced in tens to hundreds of millions of years. There is broad consensus that the further and the faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible.

The observed increase in carbon emissions over the past 15–20 years has been consistent with higher emissions pathways. In 2014 and 2015, emission growth rates slowed as economic growth became less carbon-intensive. Even if this slowing trend continues, however, it is not yet at a rate that would limit global average temperature change to well below 3.6°F (2°C) above preindustrial levels.

Floodplain Management Training Calendar
For a full nationwide listing of floodplain management-related training opportunities, visit ASFPM Online Event Calendar. Looking for training opportunities to earn CECs for your CFM? Check out our event calendar with LOTS of training opportunities listed for 2017! Search the calendar by state using the directions below, or use the category drop down menu to search by event category. Go to the calendar and click on the search feature icon at the top of the calendar. Type your state’s initials in parenthesis (for example (WI)) into the search field and it will pull all the events that are currently listed on the calendar for your state. The only events without a state listed in the event title are EMI courses, which are listed with their FEMA course number and are all held in Emmitsburg, MD.
The Floodplain Manager’s Notebook is 10 Years Old! Not long ago, I realized this column debuted November 2007. My stated objective back then was to “address a wide range of topics of interest to floodplain managers, and look at some unusual questions and give you answers—or opinions—that will be thought provoking and informative.” When looking back, I see I’ve done that. In general, my plan for the future is to keep on that track and actively invite more of you to contribute ideas and stories.

By the way, I regularly use back issues of my columns to answer questions and I’ve occasionally shared them with some state coordinators. That got me to thinking of a way to make them more accessible to ASFPM members. It may take a few months to come together, but ASFPM has agreed to work with me to do just that. I’m putting together a short description of each column, with key words, and the columns will be available for download or reading. I hope this will help you when you need to find answers that aren’t readily available in FEMA guidance documents.

Perhaps influenced by nostalgia and thinking about 10 years on this beat, in this issue I get more philosophical rather than grapple with a nuts-and-bolts topic.

Marketing Open Space and Good Floodplain Management Practices. Mixed in with continuing reports on recent disasters and what’s going on with development in the Houston area, there are lots of “good news” stories about floodplain management, many highlighted by ASFPM’s regular Facebook posts. In addition to stories about buyouts and elevation projects, I remember reports about relocating a fire station and a school. I don’t recall a recent story about avoiding SFHAs, but surely they’re out there. A good source of real-life examples of communities accomplishing exemplary floodplain management is ASFPM’s No Adverse Impact how-to guides and other documents.

Not long ago a local official in a small but growing town asked my advice to help deal with pressure to build in a low-lying flood-prone area that is also regulated non-tidal wetlands. In many states and communities, simply having non-tidal wetlands that trigger federal and state requirements can be enough to discourage many developers, or at least prompt them to figure out how to stay on higher ground and minimize impacts. But given how much SFHA filling goes on, apparently it’s not enough disincentive in other areas.

It brought to mind a memorable conversation I had years ago when I was part of Maryland’s non-tidal waterway and floodplain regulatory program. The developer on the phone had just come face-to-face with the reality of satisfying not only the state’s restrictive floodplain rules, but also what at the time were the state’s early wetlands regulations. I can still hear the distress in his voice, “But it was such a good deal!” To which I didn’t hesitate to further burst his bubble, “Ya think maybe that’s because the seller knew the property is severely constrained by regulations?”

We can take this topic two ways: real estate disclosure requirements or how some developers market the “open space” created by steering buildings and infrastructure away from SFHAs and wetlands. I’ll leave
disclosure requirements for another time (suffice it to say that most states don’t mandate disclosure of whether a parcel of land is in a SFHA or a building has actually been flooded, and some have disclosure requirements that seem easy to get around).

There are plenty of studies that document the economic value of open space and greenways and what floodplain managers call “natural and beneficial floodplain functions.” More and more, homebuyers and even companies seek communities that work with developers to provide, enhance and protect these amenities. Not surprising, then, that some developers see double benefits if they can avoid regulated SFHAs and wetlands (often saving time and money) and, sometimes with little effort, increase the attractiveness of their latest subdivision.

I expect many of you can share examples of developers doing this. Here are my two. The first I remember ever noticing was a long time ago, also in Maryland. I was looking to buy a house and ran across an ad in the paper with a line that jumped out: “Overlooks wooded floodplain.” Unstated was the fact that meant the undisturbed area behind that home would never be developed. I didn’t buy that one, but it stuck with me as an example of marketing the benefits of restrictive development practices.

My next example I ran across while driving in rural Florida when a sign caught my attention. Despite running late for a meeting, I turned around to take the photo on the right. I don’t know if potential buyers driving by got the same message I did by those six words (“building sites above all flood zones”), but I’ll bet the developer promoted the implications when he showed the sites. What came to mind was significant reduction in potential flood damage (it is Florida, so worst-case storm surge might still affect the sites), no requirement to buy flood insurance, and no other houses would obstruct the Gulf view.

**Speaking of disasters – what about those “pesky” permit requirements?** It’s become almost routine for one organization or another to investigate and conclude that building codes and regulations help reduce damage when communities experience flooding, high winds or seismic events. In large part based on post-disaster evaluations, FEMA made building codes the foundation of long-term mitigation many years ago. Now the International Codes® not only include requirements for buildings in SFHAs, in some respects those requirements exceed the NFIP minimums. Even some homebuilders recognize building codes contribute to disaster-resistant communities, although they also point out codes come with some increased costs (they’re not so quick to point out savings in damage avoided and lower NFIP insurance premiums).

You’d think that recognition would translate into even more attention paid to administration of floodplain management requirements after flood events, whether the requirements are in building codes or
stand-alone regulations. Yet there are instances where, looking to reduce the burden on owners of damaged buildings, someone decides to weaken the requirements. I hear of floodplain managers and building officials pressured to, well, there’s no other way to say it than they’re pressured to “cut corners” and allow repairs and recovery without permits or perhaps without enforcing the rules to the letter. Of course, substantial damage comes to mind because once the 50% trigger is pulled, owners have to pay even more to bring buildings into compliance.

I’ve written a lot about substantial improvement and substantial damage over the years. One aspect I’ve not touched may be tough for some local officials to bring up with owners, but I think it should be part of the conversation more often. And that is rebuilding: tear down and build new. Don’t get me wrong, I love older buildings with character and if I owned a good one, I’d resist demolition even if it was badly damaged. But there are plenty of nonconforming buildings that, given a clear-eyed look, don’t warrant “saving” by putting lots of money into elevating on higher foundations. I’ve been known to ask what you get when you elevate a 40-50 year old house? Most people realize you get an elevated 40-50 year old house!

But what do you get if you tear down a substantially damaged home (or even one that’s been repetitively flooded) and rebuild? You get a fully compliant house. Not only compliant with flood requirements, but everything else in applicable regulations: wind resistance, seismic resistance, fire safety, energy efficiency, water efficiency. I hope you’ll give it some thought next time you talk to an owner of a damaged building.

Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at rcquinn@earthlink.net. Comments welcomed!
ASFPM Appoints New Co-chairs to Nonstructural Floodproofing Committee

Randall Behm, P.E., CFM, and Manny Perotin, P.E., CFM, are the new Nonstructural Floodproofing Committee co-chairs, replacing long-time co-chairs Larry Buss, P.E., CFM, D.WRE, and George Riedel, CFM.

This committee focuses on raising awareness about the need to reduce flood risk by using all the tools in the flood-risk reduction toolbox. The committee is especially focused on the implementation of all nonstructural measures including floodproofing. Nonstructural measures, which decrease the consequences of flooding, are highly underutilized across the nation. The nation remains primarily focused on building structural flood-control measures, which, while reducing the frequency of flooding, have indirectly led to increasing floodplain development and thereby holistically increasing flood risk in the nation.

Behm is the USACE Nonstructural Flood Proofing Committee chair and based in Omaha, Nebraska, and Perotin is a senior project manager for CDM Smith in Tampa, Florida.

Behm said he wanted to become the co-chair because he believes in ASFPM’s mission and that of the committee, which is to “mitigate losses and suffering caused by flooding. Two very successful co-chairs have stepped down and I look at this as an opportunity to continue the efforts that they led, and to somehow bring my nonstructural experiences with a federal agency together with those of Mr. Perotin’s to further support this committee in achieving those mission goals.”

He said one of the goals he’s set for himself as the committee co-chair is to see an increase in active committee membership. “With the diversity of expertise from the public and private sectors, the committee could support future opportunities for educational outreach, influence federal, state and local policies regarding nonstructural mitigation, and provide resources to post-disaster activities.”

If you’d like to get involved with the Nonstructural Floodproofing Committee, contact Behm at randall.l.behm@usace.army.mil or Perotin at perotinma@cdmsmith.com.

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Job Corner

- City of Columbus, Indiana is hiring a floodplain manager
- An engineer plan review manager is need in Decatur, Georgia
- Matrix Design Group in Denver is hiring a water resources engineer

Check out these career opportunities and more on ASFPM’s job board. Visit our job postings here, and if you’re an employer and want to post an opening, it’s FREE!
Co-chairs have lots to say this month!

By now, most of you have heard (or read in this newsletter) about the House passing its version of NFIP reauthorization/reform. It remains to be seen if the Senate will do anything by the Dec. 8 NFIP expiration date besides kicking the reauthorization can down the road some more.

While there is more about this elsewhere in the newsletter and on ASFPM’s website, one area we wanted to highlight in this Corner’s edition is private flood insurance. Since the passage of reform legislation in 2012 and 2014, there has been a significant increase in non-federal flood programs, which in this article, we will refer to as “private flood insurance” (see text box at right).

With these new programs, we are seeing lower premiums along with expanded coverages and benefits such as higher limits, replacement cost, reduced or no waiting period, additional living expense, etc. While we do hear lenders are accepting these policies, there are some still hesitant and may not, in fear of not passing their compliance audit if the auditor deems the policy is not as broad as the NFIP’s.

Many of the programs rely on FEMA flood maps and NFIP rates (e.g., take the subsidized pre-FIRM rates and give a discount), while some are starting to use other models and techniques to determine the rates. There are some insurance companies including flood coverage as part of their homeowners policy, and some including coverage in a catastrophe policy, known as Differences In Condition or DIC (e.g., it might also include earthquake or other coverages you homeowners policy won’t cover). And others are a stand-alone primary policy or stand-alone excess policy (coverage starts above a certain limit, usually the NFIP’s maximum limit).

When filing an insurance program with the state, the insurance company (also called a carrier) can file it as an “admitted” program where the state must approve the forms and rates used, as well as any future rate increases and changes. A benefit for the policyholder is that states have a guarantee fund that will step in to pay claims should the insurance company go belly-up. The downside for carriers is they typically don’t have much flexibility when higher rates are needed.

Being a catastrophe program, most flood programs are non-admitted and written as Excess and Surplus (E&S), like Lloyd’s programs. The insurance carrier must be approved to write in the state, but they do not have to submit forms or rates for approval. Typically, there are policy fees associated with writing an E&S policy, so some benefit of not having the Federal Policy Fee and HFIAA surcharge may be erased.

Private Flood vs. WYO Terminology

Sometimes there can be confusion with the word “private,” as some people refer to the Write Your Own companies as “private companies” because the declaration page has the company name on it (e.g., Allstate, Wright) versus getting it through an agent who instead writes directly with the NFIP, and the declaration page says “FEMA” on it. Both of these, though, are the federal flood insurance program.
While the NFIP basically must take all risks (even if they have had 22 claims), the private programs do not. Most have a restriction on how many losses (if any) they’ll accept within a certain time period. And not all programs are targeted to write all types of risks. One common concern about the private programs is that the good stuff will be cherry picked and leave the worst for the NFIP. And arguably so, there are those that are targeting loss-free, Zone X and/or post-FIRM only, but there are other programs which have a focus on those with a bit more “hair” on them...from pre-FIRM Zone A buildings to more “hairy” Zone V buildings with the lowest floor lower than the Base Flood Elevation. Some programs will have geographic restrictions, ranging from not writing at all in certain areas to restricting a certain number of policies to be written in a specific zip code to lessen their exposure. Most have a shorter waiting period, if any, but may suspend writing in areas where a tropical storm or hurricane is predicted to cross until after it has passed.

When it comes to determining the rate, some programs follow the NFIP, including requiring an Elevation Certificate. Others will use the NFIP rate tables and provide discounts (e.g., 20% discount on pre-FIRM subsidized rates). But with the increase in the sophistication of flood catastrophe modelling, there is an increase in underwriters using models and other data to help more specifically determine a building’s flood risk. So they are not really relying on the NFIP rates or flood maps...nor elevation certificates!

With cheaper policies (especially when the HFIAA surcharge is $250) and similar or enhanced coverages, more and more private policies are being written across the U.S., not at flash flood pace, but the pace is increasing in the number of programs as well as policies. But does cheaper mean it is better? ASFPM (and FEMA...and hopefully local communities) is excited if more property owners are being protected in total (federal + private flood policies) and they are receiving similar or better coverages. But there are concerns, such as:

- As the private side grows, it can’t help but be at the expense of the NFIP. So what will it look like in 10-20 years? Quite possibly, it will become a market of last resort. Congress has to understand that and be prepared to address how to handle these “very hairy” risks that are left, rate- and mitigation-wise.
- Will some communities drop out of the NFIP because they only joined to give their citizens access to the flood insurance program?
- As the amount of money coming into the NFIP decreases as policy count drops (just since 2012, more than 600,000 have been lost), where will the funds come from to support programs that the NFIP policy fees support (e.g., mapping, grants, floodplain management, NFIP operations)?
- The House legislation that recently passed has a nuance in the language that may allow for coverages to not have to be as broad. This could affect how well a policyholder can recover, and hence the community, if, in reality, they don’t have as broad of coverage.
- There are serious implications right now to having a pre-FIRM policy lapse or one rated using the Newly Mapped rating option (after a map change). If a private carrier non-renews them and they have to go back to the NFIP, they may not be eligible for their pre-FIRM or Newly Mapped rates.
- And finally, we have seen that some private flood policyholders may actually miss out on grant opportunities (see the next real story example!).
So if a property owner is asking you about private flood insurance, make sure to encourage them to look at more than just price and have them talk to their insurance agent about coverages, (non)renewals, financial rating, etc. Cheaper is attractive, but not always better.

**Private Flood and FEMA Grants – An Unintended Consequence from the Field**

There were a series of storms and heavy rain events in northeast Kansas in July and August. A property owner in Fairway had just purchased a home in June. Having found out it was in the floodplain the day before closing, he purchased flood insurance. By end of July, he had his first flood. By end of August, he had been flooded three times. The crown of the street sits higher than the house and his driveway leads down to a garage parking area under the home. Unfortunately, the driveway acted like a funnel and directed water into the lower level of the home.

Luckily, the building had a flood insurance policy. It was not federal flood insurance (NFIP), but from a private company. The property owner had items of value in his lower level, so he had purchased additional contents coverage. The property owner decided to go with a $5,000 deductible on his flood policy to help reduce the costs.

After the first flood, the property owner learned that the contents in the lower level were not covered under the policy. Consequently, with his large deductible on the policy, just a small claim was paid, and repairs were started.

About a week later, the second storm came through the area and the home once again flooded. This was a separate flood event, so the $5,000 deductible was applied again. Unfortunately, there had not been enough repairs made to meet the deductible, so no claim was filed for this second flood. The newly replaced garage doors had to be replaced again at the property owner’s expense. Then, about 10 days later, a third round of flooding in the same area occurred and this home was flooded again. Once again, no claim was paid.

At this point, the property owner was very unhappy and frustrated with his new home in the floodplain and with his insurance. He contacted state and local officials and requested to have his home bought out through a mitigation grant. Flood Mitigation Assistance is a grant program that can be used to mitigate flooded properties.

The Fairway property had previously been insured by a previous owner with an NFIP policy. There had been flood insurance losses. It was listed as a repetitive loss property by the insurance definition of the term. The home in Fairway had not had enough losses to meet the repeat flood loss definition under the hazard mitigation grant requirements. These recent losses were not added to the NFIP database because the insurance was through a private company and no claims were made for the second and third flood. A condition of an FMA grant is that properties are insured through the NFIP. Consequently, the property in Fairway did not qualify for an FMA grant because there was insurance through a private company instead of the NFIP when the losses occurred.

While the policy may have been cheaper than the NFIP’s policy, private flood insurance may not have been the best option for this homeowner as it did not allow him to receive a FEMA grant. So, when talking with property owners about the pros and cons of private flood insurance, make sure to include this...
potential consequence in your conversation, along with potential impacts on pre-FIRM buildings and those policies rated using grandfathering or the Newly Mapped Procedure. Cheaper may not be better.

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**NFIP Flood Insurance Changes: October 2017, April 2018 and Yes...January 2019**

After the flurry of changes to the federal flood insurance program following the reform legislations of 2012 and 2014, FEMA has settled down on making changes in October, April and January. In the recent October 2017 update, we saw minimal changes (HFIAA Surcharge can now be pro-rata refunded if a policy is canceled. And except for mainly the Preferred Risk Policies, the Federal Policy Fee for contents-only policies was reduced to $25). The [latest version of the NFIP Manual](https://www.nfip.gov/information-library/technical-assistance-manuals) includes these changes.

The recently announced changes for [April 2018 and January 2019](https://www.nfip.gov/Flood-Insure/Changes) (for the Preferred Risk Policy and Newly Mapped Procedure annual changes) are pretty much in line with last year.

Here are some April 1, 2018 highlights:

- **Rate Increases:**
  - Average premium increase is 6.9%
  - Besides the pre-FIRM subsidized premiums that are congressionally-mandated to increase 25% (e.g., non-primary residences, non-residential businesses), pre-FIRM premiums increase only 5%
  - Post-FIRM A Zones will see minimal to no increases; e.g., AE: 1%; AO or AH: 0%; Unnumbered Zone A: 2%
  - Standard X Zone: 1%

- **Primary Residence Determination:** FEMA recognizes a policyholder can have more than one primary residence, as each spouse could live more than 50% of the year at a separate residence.

- **Phase 2 of Re-underwriting the NFIP policy base:** This is delayed/extended. In response to HFIAA, FEMA needs to send out letters to all policyholders to clearly communicate their risk. To do so, FEMA asked insurance companies and NFIP-Direct to underwrite basically all renewal policies, but post-FIRM policies starting October 2016. FEMA would then send a letter to each of those policyholders after the policy renewed. The Post-FIRM phase was to start this October, but it is now delayed due to the recent hurricanes and will start when April 2018 renewal notices begin going out (though some companies have already started it).

And Jan. 1, 2019 changes:

- Preferred Risk Policy (and eligible A99 and AR) premiums will increase 6%
- The Newly Mapped policy multiplier continues to be 15%

**NOTE:** With all of that published, FEMA just released an [additional Bulletin](https://www.fema.gov/news-release/2019-03-06) that increases the ICC premium starting April 1, 2018. In some cases, the annual increase is $1, but in others, like pre-FIRM Zone A, we are seeing $5 and $10 increases. FEMA did not revise the overall rate increase percentages mentioned above so we don’t know the relative percentage impact.
James Taylor and Flood Insurance

You’ve heard James Taylor sing this (even millennials, right?): *I’ve seen fire and I’ve seen rain and I see see.*

Okay, maybe not the last part, but right now, those affected by wildfires in the western U.S. should be singing that tune. After a horrific summer of fires, the rainy season has started. And historically, we have seen that after fire and rain...come floods. The land is stripped of vegetation; the ground is charred and barren and unable to absorb water. As a result, you have perfect conditions for flash floods and mudflows. So, property owners in and near burn areas should especially be talking to their insurance agent about flood insurance (okay, really EVERYONE should be!).

An important coverage in the flood insurance policy is Increased Cost of Compliance (yes, you got it: ICC!) I won’t get into the details, but basically it provides up to $30,000 to help cover the cost to bring a substantially (or repetitively) damaged building into compliance with the current floodplain ordinance.

While FEMA sent out a reminder Bulletin about ICC and Hazard Mitigation Assistance after the devastating hurricanes, this is a good time to also remind communities and property owners affected by the fires (okay, ALL communities!). And to also let you know that there are some new ICC resources out there:

- [FEMA P-1080, Answers to Frequently Asked Questions About Increased Cost of Compliance](#)
- [Increased Cost of Compliance Brochure](#)
- [Increased Cost of Compliance - Policyholder's Processing Checklist](#)

So, grab your lunch and headphones, download this material, and read as you listen to [Fire and Rain](#) (or if you aren’t a fast reader like me, then continue with [Fire and the Flood](#) by Vance Joy) and hope for sunny days that you thought would never end.

As always, if you have insurance questions or topics you want the committee to consider addressing, please email us at [InsuranceCorner@floods.org](mailto:InsuranceCorner@floods.org).

Meanwhile, humbly yours,

**Bruce Bender** and **Steve Samuelson**

—Your [Insurance Committee Co-chairs](#)
Emergency Management Institute Recently Announced 2018 Courses with a Floodplain Management and/or Mitigation Focus

Click [here](#) for information on how to apply for these courses, and [here](#) when you’re ready to fill out the application.

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<td>2. Manufactured Homes and RV’s in the Floodplain (1 day).</td>
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<td>3. NFIP Flood Insurance Principles for the Floodplain Manager (1 day).</td>
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<td>Aug. 13 – 16, 2018</td>
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<td>Aug. 27 – 30, 2018</td>
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NOAA National Estuarine Research Reserve System Land Acquisition &
Construction Program for Fiscal Year 2018 - $1.7 million grant money available

Applications Due: Feb. 1, 2018

Eligible Entities: NERRS lead state agencies in coastal states including the Pacific, Gulf, Atlantic Coast and Great Lakes.

NOAA provides funding to designated Reserve agencies for acquiring additional property interests and for construction projects that serve to strengthen protection of reserve key land and water areas; to enhance long-term protection of reserve areas for research and education; and provide for facility and exhibit construction. Each Reserve supports a wide range of beneficial uses important to ecological, economic, recreational and aesthetic values, which are dependent upon the maintenance of a healthy ecosystem. In maintaining their effectiveness, the Reserves may find it necessary to expand their boundaries through strategically-planned land acquisitions and/or to develop or enhance their reserve facilities, including their in-situ monitoring infrastructure, to meet the demands of research, monitoring and education program objectives.

With regard to acquisition, priority will be given to those projects that address the following adaptation principles:

- Connecting habitats to facilitate habitat and species migrations.
- Reducing existing stressors that hinder the ability of species or ecosystems to withstand climatic events.
- Protecting key ecosystem features, e.g. keystone species or habitats.
- Maintaining diversity.
- With regard to construction projects, priority will be given to core facilities that:
  - Are proposed in already disturbed areas outside of the 100-year flood zone and minimally disrupt the environment.
  - Conserve and protect water resources.
  - Incorporate sustainable design principles.
  - Optimize energy performance.
  - Reduce the Reserve’s greenhouse gas emissions and overall carbon footprint.

For more information, visit the funding opportunity description.

Grant Opps...
Just a reminder to bookmark the Florida Climate Institute’s website for a comprehensive list of funding opportunities. It’s a fabulous resource.
Social Media Tips

First, I would like to welcome our chapters, Ohio Floodplain Management Association and Tennessee Association of Floodplain Management, to Twitter! Follow them at @OHfloodplain and @TNAFPM!

Second, I want to show you a near perfect tweet posted by John Miller (aka @jamiller45) Nov. 17.

Granted, this titillating tweet was made possible due to Twitter loosening up its 140 character rule. The jury is still out on whether expanding the character count to 280 is overkill or not, but for my purposes today, the extra wiggle room helped this post.

1. John included a compelling photo. Pictures fall into two categories in my book: compelling or crappy. Unless you’re an artist going for an artistic flair, you’re better off NOT sharing a blurry photo.

2. The photo supports his post. He writes, “Will need something bigger than this if #NJDEP adopts #flood rule proposal.” That’s genius.

3. He includes Twitter handles, not only because he’s literally addressing someone (@PhilMurphyNJ), but John also included relevant people/organizations that might be interested in this rule change (@FloodPolicyWonk @NJSLOM @FloodsOrg). This is smart as well because it expands the number of people who might see the post.

4. John included not one but TWO links: One to the “rules” notification, and the second to a published opinion (by him and long-time ASFPM member Sam Medlock). So YOU get to really read up on what this rule change is, and you don’t have to go searching for the information on your own (and my unscientific research has found that pretty much no one is willing to do that, especially when a funny cat video catches your eye).

5. Do you see all the hashtags he used? #NJDEP #flood #harvey #irma #maria #BuildSmart The reason this is smart is because anyone doing a search using those words might come across his tweet. It’s the difference between writing a “Letter to the Editor” in the Buford, Wyoming newspaper (I doubt Buford has a newspaper, but I chose the town because it has a population of one), or an opinion piece in The New York Times. Your chances of being read significantly increase.

6. And this is maybe the most important reason I liked John’s tweet. He responded, in a timely manner, to “replies.” Not everyone does. I’ve seen people asking important questions or making ludicrous statements and they go unanswered or unchallenged. Social media specialists don’t have it easy. They basically never get to sleep because they always have to stay on top of comments, questions and response. John (while in no way is a social media specialist or content developer) replied right away. And if you click on the “near perfect tweet” link above, you will be rewarded with a funny video Sam left in the comments!

As always, if you have questions, comments, quandaries or conundrums, contact me, Michele Mihalovich, ASFPM’s public information officer, at michele@floods.org.
Deputy Director Report – Ingrid D. Wadsworth

Boring but important...that’s how most people see operations, I have been told. Or more directly, “Ingrid, you’re the only person around who cares so passionately about HR, finances, efficiencies and audits.” Of course, I always correct this by noting our accountant Suzanne Gillingham cares. So she and I are partners in a hidden passion for spreadsheets and policy changes. Buddies of the boring stuff. Apologies in advance to Suzanne who is one of the coolest accountants I’ve worked with.

But is operations really boring? I know many of you are more than floodplain managers at work. As a matter a fact, a recent report we did, called the Local Programs Survey Report 2016, shows that an overwhelming number of you carry so many more duties than just floodplain management. So it raises the question, “Could we be providing you with more holistic products and services to make your everyday workday a little easier?” I’d love to hear what more ASFPM could provide to help you thrive at your job, from management to organization to legal issues. Let me know what you think with this “boring but important short survey.”

In other news, our Flood Science Center, formerly called Science Services, has a new website full of terrific reports, data, studies, maps, tools, visual viewers, library items and educational opportunities, just to name a few. Check out the website here: https://www.floodsciencecenter.org/.

And as we wind into the year’s end, and before the busy holiday season, please take a moment to renew your annual membership. Individual membership is $160 for 2018, and that makes your CFM renewal only $80 (early bird rate) and you get a steep discount to our national conference in Phoenix next year. We are so glad to have you as part of our community and look forward to an even better 2018.

Best,

CFM® Corner—Where your career and practice meet

Written by Ingrid Wadsworth, CFM, ASFPM Deputy Director and CBOR Regent

End of year time again, but before you settle into the holidays, quick reminder to renew your ASFPM membership to get those discounts on your biennial CFM renewal. This was my year to grab my checkbook to renew my membership and CFM (yes, we CFMs at the EO pay our own too), but I always consider it to be my end-of-year gift to myself—an investment in my profession and in a program I believe in—the CFM certification!

If you read the last newsletter, you’ll know we assigned number 10,000 to a new CFM from Wyoming. What an accomplishment for the program. You are in great company and you can always check who your
colleagues are at our [List of CFMs](#) page on our website, which is organized by state. We just ordered a new batch of [CFM logo pins](#) that are ready for purchase. And for reviews and other documents where your name and CFM number are important or required, we also have two [stamps](#) we can customize for you with your name and CFM number.

If you’re asked about the CFM program, or folks know you’re a CFM and want tips for taking the exam, our Certification Board of Regents is rolling out some really great stuff. While there is no single class available to prep for the exam—an urban myth that persists to our chagrin—you can direct your colleagues to our website. We’ve updated and made our [Technical Reference Guide 2017](#) study friendly and if someone studies everything on that, they will have prepared for every question on the exam. We update the exam annually, so for 2018 we will be rolling out a new TRG 2018 (to coincide with new questions) AND repackaging it as a new CFM Exam Guide that also includes how to prepare and what to expect, as well as new supplemental materials such as videos and other self-guided training to help where you might need more instruction. So look for the new official CFM Exam Guide in early 2018!

It’s worth repeating that we continue to see creative uses of “CFM” and its logo, so we thought we’d re-share some tips so you can represent your professional certification best.

- **No periods needed.** CFMs in good standing (who pass the CFM exam and maintain their certification) are provided a limited “license” to use the letters “CFM” after their name with no periods necessary. Example: Jane Smith, CFM
- **CFM logo.** The CFM logo is for use by the ASFPM executive office and our chapters. We have seen a lot of trainers using the logo on ads for training, certificates of training or on websites. This confuses people and makes them think we have some arrangement together, which we likely don’t, so we kindly request you do not do this.
- **Companies can’t be certified, but individuals can.** We have been noticing companies advertising that they are CFM-certified. Better to say, instead, your staff is CFM certified.
- **No registration symbol needed.** On business cards and other similar uses, the "®" symbol behind the CFM letters on signatures isn’t needed. The "®" symbol is only necessary when referring to the CFM certification program/exam/logo, not individuals who are CFMs.

Lastly, while mentioned above, **DON’T FORGET about the CFM portal.** ASFPM members and non-members can get to the [CFM Maintenance Login Portal](#). There is a “forgot password” link on the login screen if you don’t remember your password, handy links to upload CECs electronically, and information on what qualifies for CECs in the [Guidance for Continuing Education Credit](#). You can also change your home address in this portal when you move, which is really important since your CFM renewals and other certification-related materials are mailed to your HOME ADDRESS and never to your workplace.

And, as always, life happens. If you find yourself in a situation that may affect your renewal, please call or email [cfm@floods.org](mailto:cfm@floods.org) at the EO right away! If we know ahead of time, we will always work out a plan and a timeline with you. It becomes difficult if you’ve let the months pass.

Interested in professional development for flood risk professionals? Do you have ideas that could help enhance and strengthen the floodplain management profession? Get involved by joining [ASFPM’s Professional Development Committee (PDC)](#). The mission of the PDC is to provide vision, leadership and direction to ASFPM members regarding issues affecting the floodplain management profession.
A big THANK YOU to all 315 of you who submitted a presentation for consideration in the Phoenix technical program. We greatly appreciate your efforts in providing the best possible education to our conference participants. The program team, led by Steve McMaster, Jenny Seffrood and Kait Laufenberg, is hard at work sorting and reviewing the submissions and selecting 200 for presentation. Acceptance notices will go out after Jan. 1.

Don’t forget to regularly check out the 2018 conference webpage. We’ve posted conference registration fees so you can get those travel authorizations submitted accurately, even though registration will not open until February. Book your hotel rooms at the Sheraton Grand Phoenix before May 25 to take advantage of the group rate. And to our invaluable sponsors and exhibitors, check out our sponsor or exhibitor pages to learn why the Phoenix conference is the ideal opportunity to showcase your company to new and existing clients.

We’ve also put together an information page on all there is to do in Phoenix.

**ALSO, please keep in mind that it’s NEVER too early to nominate someone for ASFPM’s 2018 awards season! You can do it online RIGHT NOW!**
DC Happenings…

ASFPM Washington Liaison Merrie Inderfurth (left) and ASFPM Senior Policy Advisor Larry Larson (middle) met Nov. 16 with Ted McCann (with Speaker Paul Ryan’s (R-WI) office in DC). “We were meeting with him to discuss the next disaster supplemental of $44 billion, and the need to tie use of federal taxpayer money to stronger rebuilding standards. He agreed and said they are working on it with the White House, but no firm language yet. We pointed out the urgency, since disaster money is already rolling out and being spent on Public Assistance to rebuild public infrastructure,” said Larson.

ASFPM Senior Policy Advisor Larry Larson was invited to participate in a Nov. 16 workshop and Capitol Hill briefing put on by the American Meteorological Society. This was part of a two-day study and workshop built around four questions:

--The Harvey-Irma-Maria vulnerabilities were years in the building. Local and national political and business leaders, planners, emergency managers, insurers, various publics – all warned of the rising risks. Why couldn’t the disasters be averted? What could have been done differently? Subsidiary question: Were public/private-sector goals on the same page on how to approach these risks? Where are public and private interests congruent? Where do they diverge?
--How big is the U.S. problem? What similar risks does the Nation face? What is the cumulative national exposure to similar scenarios and risks across the country that draw closer to reality day by day, year on year?
--What new tools are at hand for managing, reducing such future risk? How might they be harnessed? Subsidiary question: what are the respective public, private sector roles in the needed innovation?
--What are the most promising place-based and federal policy options for reducing future U.S. risk (emphasis on local options with secondary attention to federal role)? How might they be further explored or implemented? Subsidiary question: To what extent can these options be expanded, or their effectiveness improved, through strengthening public-private partnerships?

AMS will be producing a report on the workshop recommendations.
What’s Happening around the Nation?

A collection of the most viewed stories on our Facebook page

**Texas**—A nearly $61 billion state plan to rebuild Houston and the Texas Coast after Hurricane Harvey includes funding for three "coastal spines" to control flooding, new reservoirs and buyouts of thousands of properties. [Read the article.](#)

**New Jersey**—“New Jersey has raised and repaired thousands of homes, set strict elevation standards, bought out hundreds of repeatedly flooded properties under the Blue Acres program, replenished beaches, required utilities to harden infrastructure and experimented with restoring wetlands. Hurricane Sandy changed us. But is it enough?” [Read the article.](#)

**Florida**—Due to flooding, “There’s not one wading bird that can land in the Everglades right now,” said Florida Fish and Wildlife Conservation Commissioner Ron Bergeron. “The Everglades is in serious condition, actual catastrophic conditions.” [Read the article.](#)

"Hurricane Irma smashed into Jacksonville this fall, and the storm’s impact highlighted one of the worst-kept secrets in urban real estate: Floodplains in U.S. cities with residential properties are almost always occupied by the poorest residents of those areas, said Mechele Dickerson, a University of Texas, Austin, bankruptcy law professor and an expert in real estate equity issues.” [Read the article.](#)

**The Nation**—Fantastic article that also refers to ASFPM’s Mapping the Nation report. [Read the article.](#)

We know quite a few of you have signed up to be deployed by FEMA to recent disaster areas due to Hurricanes Harvey, Irma and Maria. This is a great blog on how to physically and mentally prepare yourselves. [Read the article.](#)

Why stop at cars? How about we “Ziplock” our homes when flooding is in the forecast? [Read the article.](#)

**Arkansas**—Who else is sick and tired about hearing people getting this AWFUL and INACCURATE information? "We were told we couldn’t get flood insurance because we weren’t in a floodplain," said Marketing Director Shane Cummings. "They told us also it would never happen in 100 years." [Read the article.](#)
Washington Legislative Report

Meredith R. Inderfurth, 
ASFPM Washington Liaison

Active Times for Flood Insurance, Disaster Funding and FY 2018 Funding

The House of Representatives just passed its flood insurance reauthorization and reform bill. The temporary reauthorization of the National Flood Insurance Program expires Dec. 8. The Senate Banking Committee has yet to pull together its several pending bills to reauthorize and reform the NFIP. The third disaster response and recovery supplemental budget request was sent to the Congress just before the one week Thanksgiving recess. The Continuing Resolution funding the federal government also expires Dec. 8. The House has completed its appropriations work for Fiscal Year 2018, but the Senate has not. Another short-term (very short) CR is likely. That could be followed by an omnibus appropriations bill for the whole federal government to be completed before Christmas.

The scope and provisions of NFIP reauthorization and reform are very much in play. Also in play is the timing. Can Senate action occur and agreement with the House be reached this year or will the can get kicked to next year—and if so, for how long?

With widespread congressional reactions to the third disaster-supplemental appropriations request of $44 billion from the White House indicating the request is inadequate, the question remains of how much will Congress add? Will it add any language requiring rebuilding to higher standards to facilitate greater resiliency in future weather events? Will the disaster supplemental be considered as a stand-alone bill or will it be tied to an omnibus appropriations bill for FY18? What will Congress do about the $59 billion in White House proposed budget reductions to offset disaster costs?

As to appropriations for the rest of FY18, will another CR until Dec. 22 or 23 allow sufficient time to complete compromises between the House and Senate on budget amounts? What about all the associated issues that could complicate progress, such as immigration issues (specifically those brought to the U.S. as children)? Could we have another situation like last year when the current fiscal year budget was not settled before the budget request came out for the upcoming fiscal year?

NFIP Reauthorization and Reform

The NFIP is currently operating under a temporary authorization until Dec. 8. Whether or not a full reauthorization can be completed by then remains unclear. Some further extension of authority is likely before full reauthorization can be accomplished.

House
At long last, the House passed its 21st Century Flood Reform Act, H.R. 2874, Nov. 14 by a vote of 237-189. This was essentially a party-line vote with 15 Democrats voting for the bill and 15 Republicans voting against the bill. The measure now goes to the Senate for consideration.
This bill was a compilation of the seven bills reported out of the House Financial Services Committee last July, plus some additional elements and internally agreed upon amendments. Notably, it included an agreement reached between the House Majority Whip, Steve Scalise (R-LA) and Chairman Sean Duffy (R-WI) of the House Financial Services Committee. That agreement watered down provisions in the original version addressing repetitive loss properties.

While the bill had some positive elements, ASFPM found that, on balance, the measure did not really deal effectively with affordability concerns or with hazard mitigation despite claims that it dealt with these matters. Further, and importantly, the bill included many elements to promote the development of a private flood insurance market, but without provisions to protect and preserve the comprehensive flood risk management, mapping and mitigation aspects of the NFIP. For these reasons, ASFPM sent a letter to all Members of the House of Representatives opposing the bill.

**Senate**

The Senate Banking Committee produced and introduced its own skeleton bill last July, S. 1571 reauthorizing the NFIP and including a number of provisions, but not really constituting comprehensive reform.

Another measure introduced by Senators Cassidy (R-LA) and Gillibrand (D-NY) (S. 1313) provides for another set of reforms. Bill S. 1445, introduced by Senators Scott (R-SC) and Schatz (D-HI), provides for identification of areas of repetitive loss properties and for development of plans to mitigate losses in those areas. Another measure, S. 1507, introduced by Sen. Reed (D-RI), would establish state revolving loan funds for flood hazard mitigation. The most comprehensive bill is known as the SAFE Act (Sustainable, Affordable, Fair and Efficient NFIP Reauthorization Act, S. 1368) and was introduced by Senators Menendez (D-NJ) and a bipartisan group of nine cosponsors. ASFPM expressed support for most of these bills, but has expressed reservations about the committee bill and recommended additional provisions.

At this point, the Senate Banking Committee has not marked up a bill. It is widely assumed that a final version would include provisions of the committee bill along with provisions from the other bills mentioned above. Although these bills were introduced in June and July, action stalled largely because the committee bill included a major provision added by Chairman Crapo (R-ID) to allow funding of wildfire suppression via the Disaster Relief Fund. Although the chairman has since pursued other avenues to provide for wildfire costs, the committee has not yet held a mark-up session. Two scheduled sessions were postponed.

The next steps are not clear, but it is certain that some short- or long-term resolution will develop before the end of the year. With new developments happening frequently, ASFPM will stay tuned. The association plans to join with a number of like-minded groups to outline elements from the various bills, including the House bill, that we would like to see in NFIP reauthorization.

**Appropriations**

**Disaster Supplemental Appropriations**

A third Disaster Supplemental budget request arrived on Capitol Hill Nov. 17. The expectation is that the House and Senate will quickly act on the request immediately following the Thanksgiving recess. The re-
quest is for $44 billion and includes funds for continuing response (particularly in Puerto Rico) and recovery. The previous two disaster supplementals totaled $51.75 billion, which included significant increases over the administration's requests. Governors of the states and territories impacted by hurricanes Harvey, Irma and Maria have submitted needs assessments far exceeding the amount requested by the administration. Many House and Senate members have declared the request to be woefully inadequate and have vowed to provide additional funds.

There appears to be considerable congressional interest in assuring recovery activities using taxpayer dollars are used to repair or rebuild to more resilient standards. Despite indications that the administration request would include language making provision for resiliency, it does not appear that is included.

The supplemental request includes $25.2 billion for FEMA and the Small Business Administration. It includes $12 billion for HUD's CDBG program to fund a competitive mitigation project initiative. Another $4.6 billion would repair or replace damaged federal property; $1.2 billion would fund education recovery and $1 billion would assist agriculture recovery. The request included $59 billion in proposed cuts to other programs to offset the costs of the disaster supplemental. It is not at all clear at this point whether or not Congress will act on those offset proposals.

Yet another disaster supplemental request is anticipated early in the new year.

**Fiscal Year 2018 Appropriations**

The House combined all 12 appropriations bills into one measure, H.R. 3354, which passed the House Sept. 14. The process was unusual. A package of four appropriations bills passed as H.R. 3219 July 27. That package was combined with the remaining eight bills, all of which had been reported out of the full Appropriations Committee, and passed Sept. 14.

Meanwhile in the Senate, eight of the regular 12 appropriations bills have been reported out of the full Appropriations Committee. Indications as of Nov. 17 were that the remaining four subcommittees would release drafts of their bills immediately after Thanksgiving. This would set the stage for negotiating final numbers between the House and Senate versions—leading to passage of an omnibus appropriations bill for the entire federal government. Speculation is that if that cannot be achieved by Dec. 8 when the current Continuing Resolution expires, there could be a very short CR funding the government until Dec. 22 or 23 to allow for completion of the omnibus negotiations and final passage.

Among the four draft bills to be released soon are the Homeland Security bill (including FEMA) and the Interior and Environment bill (USGS, Fish and Wildlife, EPA). These bills do not yet have bill numbers. Other bill numbers of particular interest are:

- Agriculture: H.R. 3268 and S. 1603
- Commerce/Justice/Science: H.R. 3267 and S. 1662
- Energy and Water: H.R. 3266 and S. 1609
- Transportation/HUD: H. R. 3353 and S. 1655
Issues of Interest

Resiliency standards for Disaster Recovery
During several hearings over the past few weeks, House members and senators on both sides of the aisle have been asking questions about efforts to assure resiliency when rebuilding post-disaster and urging steps be taken to build in resiliency standards. Brock Long testified in hearings that the Stafford Act precludes building back better than the pre-disaster condition. Others view the Stafford Act as having sufficient flexibility to accommodate higher standards.

Former President Obama had issued an Executive Order 13690 requiring implementation of a Flood Risk Management Standard when federal taxpayer dollars were involved. Federal agencies were at various stages in the process of implementation when President Trump rescinded the Executive Order in August, just weeks before Hurricane Harvey. There were indications that the administration was working on its own proposal for recovery standards. So far there has been no guidance issued, as there had been after Hurricane Sandy. Meanwhile a few bills have been introduced in the House to impose resiliency standards when using federal taxpayer dollars for rebuilding. None have been acted on at this point. House Majority Leader Kevin McCarthy and Minority Whip Steny Hoyer returned from a trip to Puerto Rico and wrote a joint opinion piece for the Washington Post urging action to provide for building back smarter. The House Transportation and Infrastructure Committee’s subcommittee with jurisdiction over the Stafford Act may offer a legislative proposal sometime after Thanksgiving.

ASFPM leadership met with officials of the Office of Management and Budget and with staff of the Speaker of the House, Majority Leader and Minority Whip Nov. 14 and 16 to urge deployment of resiliency standards.

Private Flood Insurance Market Development
For some time, there has been an effort to pass a clean bill promoting development of a market for private flood insurance. (H.R 1422 and S. 563). In late September, the House bill was attached to a bill reauthorizing the Federal Aviation Administration. The measure passed the House, but the Senate stripped out the private flood title, passed the bill and sent it back to the House. The FAA measure became law without the private flood section. ASFPM sent letters to all members of the House and Senate explaining why the association opposed passage of the bill without considering it in the context of overall reauthorization of the NFIP. While ASFPM recognizes the potential contributions of private flood insurance, the association urges protection for the comprehensive flood risk management legs of the NFIP stool.

It should be noted that the private flood legislation is included in the NFIP reauthorization bill passed by the House, H.R. 2874 without the ASFPM recommended amendments. This is an ongoing issue. ASFPM has met with the Senate Banking Committee staff, personal staff of Banking Committee members and others to explain the concerns.

EMAC and Expense Reimbursement for Volunteer Damage Inspectors and Permitting Officials
ASFPM has been working with FEMA and appropriate committee staff on the Hill to facilitate expense reimbursement for visiting volunteer officials to assist with substantial damage determinations and permitting in post-disaster situations. Response and recovery during the current multiple extensive damage scenarios has spotlighted the need for help from other jurisdictions. ASFPM sent a letter to FEMA Administrator Brock Long Sept. 27 explaining the issue.
**Digital Coast Act**
ASFPM has actively supported passage of the Digital Coast Act in the last Congress and in this Congress. Although it narrowly missed final action in the last Congress, the measure’s sponsors have reintroduced it in the current Congress. The Senate version, S. 110, introduced by Sen. Tammy Baldwin (D-WI) passed the Senate. The House version, H.R. 4062, introduced by Rep. Don Young (R-AK) and Rep. Dutch Ruppersberger (D-MD), is pending consideration in the House Natural Resources Committee. Indications are that the committee will likely take up the measure early next year. This bill codifies the Digital Coast initiative at NOAA. ASFPM is an active participant in the Digital Coast Partnership.

**Recent Hearings**
Oct. 27 The House Transportation and Infrastructure Committee held a Field Roundtable in Miami to gather views and recommendations for the next Water Resources Development Act.


Nov. 1 “Assessing FEMA’s Preparedness and Response Capabilities” House Homeland Security Committee Witness: Brock Long, FEMA Administrator

Nov. 2 Hearing on HR 221 – Reauthorize the Hydrographic Services Act HR 1176 - Amend the Coastal Zone Management Act to establish a working waterfront Task Force and grant program, House Natural Resources Committee

**Coalitions and Briefings**

**Stafford Coalition**
The coalition is many groups interested in Stafford Act programs, including NEMA, IAEM, NACo, League of Cities, Conference of Mayors, American Public Works Assn., NAFSMA and others. The coalition meets approximately once a month for briefings and discussion of issues on the table. ASFPM often briefs the coalition on flood insurance and related matters.

**USGS Coalition**
This coalition meets approximately monthly for briefings and discussion. It hosts an annual congressional reception to highlight USGS activities and programs and to honor Members of the House and Senate who have been leaders in promoting the programs of USGS. The coalition also sponsors or cosponsors congressional staff briefings. A recent briefing on “Emerging Mapping Technologies and 3DEP elevation data was very well attended.

**Congressional Hazards Caucus Alliance**
This group sponsors periodic briefings on various hazards issues. The most recent briefing was on extreme rain events.
**Digital Coast Partnership Briefing** for Hill staff. **Chad Berginnis** participated in the briefing.

**American Meteorological Society briefing** on Hazard Resilience for Hill and Congressional Research Service staff. **Larry Larson** participated in the briefing.

*The legislation discussed in this article can be reviewed by going to [www.Congress.gov](http://www.Congress.gov) and typing in the bill number or title.*

This report appears regularly as a member benefit in “The Insider,” ASFPM’s member newsletter produced in the odd months. See [ASFPM’s Goals and Objectives for FY17](#).
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