



Thursday
July 6, 1995

Part IV

**Federal Emergency
Management Agency**

44 CFR Part 65
Standard Flood Hazard Determination
Form; Final Rule

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 65**

RIN 3067-AC34

**Standard Flood Hazard Determination
Form**AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule establishes a standard form for determining whether a building or mobile home is located within an identified Special Flood Hazard Area (SFHA), whether flood insurance is required, and whether federal flood insurance is available. Use of this form will help ensure that required flood insurance coverage is purchased for buildings and mobile homes located in SFHAs, and will help federal entities for lending regulation in assuring compliance with these purchase requirements.

EFFECTIVE DATE: July 6, 1995.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2756, or by facsimile at (202) 646-4596 (not toll-free calls).

SUPPLEMENTARY INFORMATION: As part of its implementation of the National Flood Insurance Reform Act of 1994 (NFIRA), FEMA published a proposed rule (60 FR 17758, April 7, 1995) to establish a standard form for determining whether a building or mobile home is located within an identified Special Flood Hazard Area (SFHA), if flood insurance is required, and if federal flood insurance is available. The comment period ended officially on May 8, 1995; however, we considered comments received by May 12, 1995, in our preparation of this final rule.

This final rule addresses FEMA's requirement under 42 U.S.C. 4012a(b) to develop the Standard Flood Hazard Determination Form (SFHDF), and provides information on completing the form. The regulating agencies' rule regarding use of the form is published today in this issue of the **Federal Register**.

We received comments from 98 individuals from 34 states, as follows: 77 lenders, nine trade associations, nine map determination companies, one secondary market organization, one federal agency representative, and one unknown (no return address or signature provided). Six respondents

provided a general comment concurring with the proposed form. Seventeen respondents indicated that they were generally opposed to the form, and 12 respondents indicated that the proposed form would create an added cost or burden.

The issues receiving the most number of comments were requests for the addition of borrower information (25 comments), requests to allow lenders more flexibility (21 comments), comments regarding the wording of the amount of required flood insurance (21 comments), and comments on the form's format (22 comments). FEMA met with the federal entities for lending regulation and asked for their guidance on these issues as part of the preparation of this final rule. Our responses to the comments are based on our interpretation of FEMA's authority under the NFIRA and on the guidance from the federal entities for lending regulation.

We summarize below the comments we received and our response to them.

Purpose of the Form

Additional borrower information. We received many comments asking that we add more information to the form, such as borrower information, borrower signature, current owner's name, lender's signature, life of loan coverage, property identification number, fee charged for determination, loan amount, age of structure, base flood elevation, insurance policy information, etc.

Response. The SFHDF will be completed for every loan. We chose to keep it as brief and concise as possible. In general, we did not include on the form additional items such as borrower notification, which will impact a small percentage of loans. However, we did create a space labeled "Loan Identifier," which the lender may use for loan identification purposes. We enlarged the space allotted for comments. This space may be used in any manner desired.

Notification compliance. Some comments suggested that the borrower should sign the form to comply with the notification requirements.

Response. The SFHDF does *not* meet the notification requirements set forth in Sections 524 and 527 of the NFIRA. The SFHDF may be used as part of the borrower's notification; however, as directed by the NFIRA, the form is for determining whether a building or mobile home is located in an SFHA and whether flood insurance is required and if federal flood insurance is available.

Use of form. Several people asked when the form is to be used. Three respondents interpreted the NFIRA as

not requiring the SFHDF if the property is not located in the SFHA.

Response. The NFIRA states that the form is to be used "for determining, in the case of a loan secured by improved real estate or a mobile home, whether the building is located in an area . . . having special flood hazards. . ." We interpret this to mean that the form is to be used for all loans, not only for loans for which the building or mobile home is in the SFHA. The form will document that a determination was made for a building or mobile home, whether it is in or out of the SFHA, and whether flood insurance is required and if federal flood insurance is available.

**Lender Processing and Loan
Information**

Format. We believe that the format of the form is efficient for use in a standard loan transaction. The form is formatted so that the loan application and lender information is consolidated at the top, followed by the flood hazard determination information.

Loan information. Many people commented that the loan number and date of loan would not be known at the time of loan application. Comments also indicated that the meaning of the date of loan was unclear, because it could be the date of application or the date of closing.

Response. We replaced the spaces labeled "loan number" and "date of loan" with one space labeled "loan identifier." Use of this space is optional. Lenders may use this space to identify loan applications.

**Lender Name and Identification
Number (ID No.)**

Several individuals indicated that the lender name and ID number provide no useful information, require extra preparation by the bank, and should be deleted. Others did not understand the purpose of the ID number, and commented that using a lender's FDIC number, credit union number, or Farm Credit System number may imply that these agencies have some responsibility in the flood hazard determination process. A mortgage banker commented that his institution does not fall into the categories defined in the instructions for Lender ID No., but they do sell loans to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and to the Government National Mortgage Association, with a different ID No. for each agency. This lender asked if this portion of the SFHDF could be left blank until the loan is delivered to the purchasing entity.

Response. The lender ID No. will be transferred onto the flood insurance policy application by the insurance agent. Using the lender's ID No. does not place a responsibility for flood hazard determinations on regulating agencies or Government-sponsored enterprises.

Multiple entities. Another person indicated that multiple entities can be involved in a single transaction, and that "at times the processing of a loan may be initiated by one entity and completed by another (or others)." The same person suggested that the Lender ID No. be defined as relating to the entity that procured the determination and to clarify that no Lender ID No. is required in those cases where the determination is procured by an uninsured lender.

Response. The Lender ID No. for the lender involved in the funding of the loan should be recorded on the form. Only the lending institutions that are federally regulated are required to use the form.

FDIC Insurance Certificate/assigned seller-servicer numbers. One respondent asked if a lender has an FDIC Insurance Certificate Number and has an assigned seller-servicer number, which should be used.

Response. In this case, the FDIC Insurance Certificate Number should be used.

Amount of flood insurance required

Many specific comments were received on the section titled "amount of required flood insurance," as follows: modify to identify the dollar amount of the loan; this section is not required by the NFIRA and should be deleted; what is the purpose of this section; this information may allow confidential information to be available to a third party performing the determination; the lender would not know the value of the building separate from the land until after the appraisal is completed; the wording should be revised to allow for the lender's prerogative to require flood insurance even if not mandated (or up to the maximum amount available under the law); specific instructions are needed to complete this section; the parenthetical phrase in the proposed form is incorrect; include amount of coverage required for personal property; to calculate the amount of flood insurance required, the lender would have to contact an insurance agent; different requirements may be necessary for second mortgages; clear guidance is needed from FEMA to mortgage lenders on this subject; secondary market investors require different amounts of insurance for their loans; the amount of

required flood insurance should be included on the notice to borrower, not the SFHDF.

Response. The completion of this information is optional. Because this will not be a mandatory entry, no changes were made to the form, but the instructions were clarified. The purpose of this information is to help the lender ascertain that the required amount of flood insurance is purchased, and also to assist lenders who require more than the federal minimum amount of flood insurance. Lenders should be aware that NFIP policies do not provide coverage in excess of the value of the building/mobile home/personal property.

Electronic systems changes. Another comment received was that including the amount of required flood insurance on the form would require substantial systems changes for lenders who have flood determinations done electronically by an outside servicer.

Response. Lenders have the option of including this information on the form. Additional information regarding the form's electronic format is included under the heading "Additional Burden" below.

Loan amount or property value. One lender requested clarification that the amount of insurance coverage is the loan amount and not the property value.

Response. Detailed instructions for this portion have been added. See below.

Instructions

Instructions for every item. Several respondents requested that instructions be included for every item on the form.

Response. The instructions have been revised to include an explanation for each item contained on the form.

Typographical errors. Several comments referred to typographical errors that appeared in the proposed rule.

Response. We have attempted to correct all typographical errors.

Miscellaneous. One writer suggested that the reverse side of the form be used "to explain flood hazard mapping, regulations and policies concerning both the regulation and standard FEMA flood hazard information." Another requested that formats be given for numeric and date fields. One respondent suggested eliminating some instructions.

Response. No change.

Structure Location and Elevation Information

Land in SFHA. Several asked what the result would be if a portion of the parcel of land is located in an identified SFHA, but the building or mobile home is not.

Response. The SFHDF is to be used to determine whether a building or mobile home is located in an identified SFHA. If a lender would like to document additional information about the parcel of land, the comments section may be used for this purpose.

Building partially in SFHA. Some asked how to indicate that a building or mobile home is partially in the SFHA and partially out.

Response. If any portion of a building or mobile home is located in an identified SFHA, the building or mobile home is considered to be in the SFHA, and flood insurance is required.

Collateral property location. Some people commented about the instructions for completing the section titled "Collateral property address or legal description." They were concerned that the instructions stated "Describe the property in sufficient detail to locate the specific building or mobile home accurately . . .," and that generally this would not be possible.

Response. We revised the instructions for this item to clarify our intent. If available, a street address locating the building or mobile home is preferred. In rural areas a legal description referring to township and range lines or other coordinates may be necessary to locate a building or mobile home, because the postal address does not refer to a geographic location. We do not mean to imply that a legal description locating the building is always required.

Rural postal addresses. Regrettably, a typographical error crept into the form instructions in the proposed rule, stating "A postal address in a rural area may be sufficient." The correct statement is "A postal address in a rural area may not be sufficient."

Space for legal description. Another person indicated that the space allotted for the legal description was insufficient.

Response. If necessary, legal descriptions may be attached to the SFHDF as a separate sheet, or included in the comments section.

Flood Hazard Determinations

The SFHDF is used for determining whether a building or mobile home is located in the SFHA shown on the National Flood Insurance Program (NFIP) map for the community, and whether flood insurance is available. FEMA expects that these determinations will be done by using a street map, plat, survey, or whatever information is needed to locate a structure on the NFIP map. Structure or ground elevation data are not required to perform such a determination. If elevation data are available for a structure and this

information indicates that the structure and surrounding ground may be above the flood elevation, the elevation data may be submitted to FEMA under the Letter of Map Amendment (LOMA)/Letter of Map Revision (LOMR) procedures and a map revision requested to remove the structure from the designated floodplain. However, the structure officially remains in the SFHA, regardless of elevation data, until FEMA revises the designated SFHA affecting to the structure.

More than one LOMA or LOMR. Several respondents asked how to handle situations where more than one LOMA or LOMR have been issued affecting the property.

Response. The map action affecting the building or mobile home (revised panel, LOMA, or LOMR) with the most recent date must be used to make a determination for the building or mobile home.

Review of Determinations

Section 524 of the NFIRA authorizes FEMA to review flood hazard determinations. One person indicated that some readers of the NFIRA understand Section 524 "to provide a means for obtaining a flood hazard determination directly from FEMA without the need for an outside service to track the flood maps or for the lender to maintain and analyze the flood maps."

Response. This is not a correct interpretation. Section 524 of the NFIRA states that the borrower and lender for a loan secured by improved real estate or a mobile home may jointly request FEMA to review a determination of whether the building or mobile home is in an identified SFHA.

Section 524 authorizes a review process, whereby a disputed flood hazard determination may be jointly submitted to FEMA for a final determination on whether a building or mobile home is located in an identified SFHA. FEMA must either affirm or disapprove the existing flood hazard determination. Section 524 does not authorize FEMA to make the flood hazard determination in the first instance. A flood hazard determination review differs from a LOMA or a LOMR, in that a LOMA or LOMR revises the FIRM.; the flood hazard determination review does not.

Determination Authority and Responsibility

Several people asked who can make determinations and who is responsible for making determinations.

Response. The lender is ultimately responsible for the determination of

whether a building or mobile home is in the SFHA and whether flood insurance is required. However, a third party may be used to acquire the information. In many areas, community or state officials, surveyors, appraisers, realtors, and map determination companies provide flood hazard information to lenders. These third parties may complete the form for the lender or the lender may use the information provided by the third party to complete the SFHDF. The accuracy of third party information must be guaranteed by the third party.

The lender must take the responsibility for making determinations, regardless of whether the lender actually makes the determination or acquires it from another source. Only the lender can make the determination whether flood insurance is required for a loan. The NFIRA states that the lender may provide for the acquisition or determination of flood hazard information to be made by a person other than the lender only to the extent such person guarantees the accuracy of the information.

Third Party Guarantee

Nine comments requested that space be allotted on the form for a guarantee for use by the party making the determination.

Response. As stated earlier, we intentionally limited the amount of information contained on the form. The NFIRA does not mandate a guarantee in the contents of the form. The law states that banks may provide for the acquisition or determination of information regarding special flood hazards to be made by a party other than the lender only to the extent such person guarantees the accuracy of the information. Many services are provided to the lending community in the course of a loan application. The information provided is generally guaranteed by a contract for services or information, or because an individual is licensed or has expertise in a particular field. The guarantee for a flood hazard determination performed by a third party is based on the lender's needs and negotiations between the third party and the lender. This is considered standard business practice.

Community Participation in the NFIP

Some comments suggested that the community's participation status be included in the form, because that affects the amount of available flood insurance.

Response. We included a space on the form for indicating whether the

community participates in the Regular or Emergency Program of the NFIP.

Unmapped, Non-participating, and Non-identified Communities

Many questions were asked about unmapped or non-participating communities, as well as communities not identified by the NFIP as being floodprone.

Non-participating communities. Non-participating communities may still have NFIP maps; if so, the NFIP community jurisdiction and NFIP map information must be completed.

Unmapped communities. If no NFIP map is in effect for the location where the building or mobile home is located, check the "No NFIP Map" box.

NFIP community number. Not every non-participating community in the United States has an NFIP community number; if no NFIP community number exists, specify "none" for "NFIP Community Number." The instructions have been clarified for these last two issues.

Determining whether community participates in the NFIP. One person asked: If a mortgaged property is located in a flood zone, but the community is not currently participating in the NFIP, how does a lender learn if or when a community becomes a participant?

Response. FEMA has community status information available and is in the process of centralizing the information and making it available through a 1-800 number.

Federal disaster assistance/non-participating community. If a mortgaged residence is located in an identified special flood area, but the community is not participating in the NFIP, will the property be eligible for federal disaster assistance if the borrower purchases flood insurance?

Response. Structures located in communities not participating in the NFIP are not eligible for Federal flood insurance, but might find privately placed flood insurance. Even if the borrower purchases flood insurance through the private insurance market, individual and family grants cannot be made for acquisition or construction purposes where the structure to which the grant assistance relates is located in a designated special flood hazard area, unless the community in which the structure is located agrees to participate in the NFIP within 6 months after the declared disaster date.

Coastal Barrier Resources System (CBRS)

CBRS determinations. Some writers asked that the form be modified to release the party making the

determination from the obligation of determining the date of construction or substantial improvements to a structure located in the CBRS.

Response. The form does not require the date of construction or substantial improvement for structures. The Coastal Barrier Resources Act of 1982 specifically restricts Federal financial assistance (including Federal flood insurance) for structures that are built or substantially improved after the CBRS designation date. Although FEMA shows CBRS areas on the NFIP maps in cooperation with the U.S. Fish and Wildlife Service, FEMA is not able to provide the date of construction or substantial improvement for specific structures. This information must therefore be procured by some other means, such as by contacting the property assessment branch of a community's tax department.

Space for CBRS information. We were also asked to provide a place on the form to indicate the date of construction or substantial improvement of a structure located within the CBRS.

Response. The user may add this information in the comments section of the SFHDF.

Prudent CBRS practice. A lender advised that it would always be prudent for lenders to know whether a dwelling is located within a CBRS area due to the additional risk that they may be accepting in making the loan.

Response. We agree, and revised the form so that CBRS information and the CBRS designation date (which is readily available on the NFIP map) may be indicated, if applicable.

Form Format

The comments summarized below concern the form layout and composition. We took these comments into consideration in our final form design, accepting some, but not all, of the recommendations.

Order of sections. One comment pointed out that the flood hazard determination form could not be completed without first completing the Community Jurisdiction and NFIP data, and suggested that we reorganize the order of these sections. Another suggested the order of Sections I and II be reversed.

Response. We made minor changes in the order.

Notes. Eight people commented on the notes contained on the form. Some suggested clarifications to the note regarding the NFIRA and the note regarding the basis of determination. Some suggested deleting the notes.

Response. We deleted one note and revised the other based on these comments.

Additional space. Several individuals asked that additional space be given for certain entries, including the lender's name, the determination, and the collateral description.

Response. Additional space is provided for lender name and the collateral property address.

Form name. Three people suggested that the title of the form be changed to "Standard Flood Hazard Determination Form", "Standard Notice of Flood Hazard Determination," and "Standard Flood Hazard Determination Report (Flood Hazards)."

Response. We changed the name to "Standard Flood Hazard Determination Form".

Original or update. One writer suggested that a space be included to indicate if the form is an original or an update.

Response. This comment concerns the use of the form, which is outside FEMA's authority.

Other suggestions.

Another person suggested deleting the note at the top of the form that states "see reverse side for instructions."

Response. The instructions will now be attached to the form.

The same person suggested that the determination section of the SFHDF be deleted, and suggested that the yes/no approach to the determination section be replaced with the choice of two responses. This person also suggested that the requirement for the name of the determination preparer be deleted "because the data is unnecessary and inappropriate in the context of the business environment."

Response. We retained the determination section, with very minor changes. The name of the individual preparing the determination is not required.

One lender suggested that "Collateral" be expanded to include personal property.

Response. This has been included.

Five people commented that the paperwork burden disclosure notice uses up much valuable space. Four suggested moving it to the instructions side of the form or to an appendix.

Response. The paperwork burden disclosure notice has been moved to the instructions.

Another person asked that the NFIP Flood Map Distribution Center's Program Status Code and Date for the community be added.

Response. We kept the form as simple as possible. These types of codes may be used in the comments section.

One writer asked that references to building/mobile home be changed to building/improvements/mobile home.

Response. The reference has been changed to building/mobile home/personal property.

Additional Burden

Several comments indicated that the SFHDF causes an added burden, results in additional costs, and is a duplication of federal forms.

Response. The National Flood Insurance Reform Act itself requires the form. The form standardizes the collection of information that has been required by law since 1973, and will replace a number of different forms previously used. We tried to simplify the form to the greatest extent possible. Once lenders, regulators and other users gain experience with the form, we anticipate that its common use across different lending and regulatory venues will prove useful.

Changes to existing systems. Many wrote to indicate that they were already complying with the law and that it would be an inconvenience and additional burden for them to redo their existing system to include this form. They suggested that the form should establish data content rather than dictate the format of the data. Another suggested an approval process by which flood determination vendors submit a proposed form to FEMA for approval.

Response. It is clearly the intent of the law for FEMA to develop a standard form for determining and recording the results of the determination of whether a building or mobile home is located in an SFHA. The current lack of consistency in this area was the impetus behind this portion of the NFIRA. Additional information may be attached to or included on the comments section of the SFHDF.

Electronic format. Three people commented on the use of the form in electronic format. FEMA will assist in development of an electronic data interchange version of the form, involving our industry partners and using national standards. However, before the electronic format can be developed, we needed to develop the paper version of the form. We discussed this issue with the federal entities for lending regulation, and together we decided that if an electronic format is used, the format and exact layout of the SFHDF is not required, but the fields and elements listed on the form are required. Any electronic format used by lenders must contain all mandatory fields indicated on the SFHDF.

Promulgate Concurrent Regulations on Form and Its Use

Three people commented that the regulations regarding the use of the SFHDF and the SFHDF itself be published at the same time.

Response. This final rule and the regulations issued by the federal entities for lending regulation regarding the use of the SFHDF are published today concurrently.

Flood Insurance Availability

A lender wrote regarding the instructions for the section titled "Federal Flood Insurance Availability." The statement in the instructions is "to obtain federal flood insurance, provide a copy of this completed form to an insurance agent." The lender did not feel that this was the most appropriate manner in which a customer should be directed to obtain flood insurance.

Response. This form provides most of information that an insurance agent needs to write a flood insurance policy, so having a copy of the form would be useful to the customer. We revised the wording on the instructions to include the word "may," to make the direction optional.

Completion of sections. Several respondents indicated that "Federal Flood Insurance Availability" should always be completed, not simply for buildings or mobile homes located in an identified SFHA. Some lenders will require flood insurance irrespective of the mandatory purchase requirement, and this information would be useful to them.

Response. We revised the form to remove the option of only completing some of the sections.

Section name. A trade association representative indicated that "Federal Flood Insurance Availability" should be renamed "Participating/Non-participating Community". This person further stated that our titling of this section introduces confusion into the purpose of the section.

Response. Determining whether federal flood insurance is available is one of the purposes of the form. There are other factors besides participation and non-participation (i.e., location in the CBRS) that impact the availability of federal flood insurance. No change has been made to the title of this section.

Clarification of Determination

Section. One person suggested deleting the final two sentences contained in the Determination section regarding flood insurance requirements, because these statements may preclude the lender's option to require flood insurance if the collateral property is not within an

identified SFHA. Another suggested that the wording be revised from "If yes, flood insurance may be required * * *," to "If yes, flood insurance will be required * * *."

Response. We revised the form to state, "If yes, flood insurance is required * * *." The form presents the minimum federal requirements regarding the purchase of flood insurance, and does not preclude a lender from exceeding the minimum federal requirements. Lenders should be aware that NFIP policies do not provide coverage in excess of the value of the building/mobile home/personal property.

Multiple Buildings and Condominiums

Multiple buildings/single property. Eleven people asked that no separate form be required for a property that contains multiple buildings, and suggested that a schedule be attached for properties that contain several buildings.

Response. We agree that the SFHDF could be completed for the principal structure on a parcel of land, and a schedule attached for any additional buildings (used as collateral for a loan) located on the parcel. This schedule should be referred to in the comments section of the SFHDF. The instructions have been revised to reflect these procedures. Even though the determination can be documented in this manner, a separate flood insurance policy will be necessary for each building.

Condominiums. One person asked that the form be enhanced for use for condominiums.

Response. Similar to what has been described above for multiple buildings, information regarding a condominium structure could be attached to the form and referred to in the comments section.

Miscellaneous Comments

One information source. One person asked that all required information be available from one source.

Response. FEMA is establishing a 1-800 number to provide information regarding the NFIP.

Flood maps. A lender asked that township and range lines be added to NFIP maps for rural area, and stated that the latitude and longitude should be used in determining the location of a property.

Response. FEMA agrees that both of these items are useful tools in aiding flood hazard determinations and has initiated an effort to digitize FIRMs. The use of digital FIRM information together with coordinates such as latitude and

longitude will assist in performing flood hazard determinations.

Community jurisdiction. One lender commented that it is unclear from the instructions how a lender determines which community has land-use jurisdiction for a parcel of land, and suggested that FEMA follow the map data in this instance as well.

Response. This issue would impact a lender only when adjoining communities have differing NFIP participation status; otherwise, flood insurance availability is unaffected. Nevertheless, land-use jurisdiction is determined by which community has authority to adopt and enforce floodplain management regulations for the structure on question.

National Environmental Policy Act

This final rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation, certifies that this rule would not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because it would not be expected (1) to have significant secondary or incidental effects on a substantial number of small entities, nor (2) to create any additional burden on small entities. Moreover, establishing the SFHDF is required by the National Flood Insurance Reform Act of 1994, 42 U.S.C. 4012a. A regulatory flexibility analysis has not been prepared.

Regulatory Planning and Review

This final rule is not a significant regulatory action under Executive Order 12866 of September 30, 1994, Regulatory Planning and Review, 58 FR 51735. To the extent possible, this rule adheres to the principles of regulation set forth in Executive Order 12866. This rule has not been reviewed by the Office of Management and Budget under the provisions of Executive Order 12866.

Executive Order 12612, Federalism

This final rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended as follows:

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

1. The authority citation for Part 65 is revised to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Section 65.16 is added to read as follows:

§ 65.16 Standard Flood Hazard Determination Form and Instructions.

Section 528 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 1365(a)) directs that FEMA shall develop a standard form for determining, in the case of a loan secured by improved real estate or a mobile home, whether the building or mobile home is located in an area identified by the Director as an area having special flood hazards and in which flood insurance under this title is available. The purpose of the form is to determine whether a building or mobile home is located within an identified Special Flood Hazard Area (SFHA), whether flood insurance is required, and whether federal flood insurance is

available. Use of this form will ensure that required flood insurance coverage is purchased for structures located in an SFHA, and will assist federal entities for lending regulation in assuring compliance with these purchase requirements. The Standard Flood Hazard Determination Form and accompanying instructions are found in Appendix A to this Part.

3. Appendix A to Part 65 is added at the end of Part 65 to read as follows:

Appendix A to Part 65—Federal Emergency Management Agency, Standard Flood Hazard Determination Form and Instructions

BILLING CODE 6718-03-P

FEDERAL EMERGENCY MANAGEMENT AGENCY STANDARD FLOOD HAZARD DETERMINATION		<i>See The Attached Instructions</i>	<i>O.M.B. No. 3067-0264 Expires April 30, 1998</i>	
SECTION I - LOAN INFORMATION				
1. LENDER NAME AND ADDRESS		2. COLLATERAL (Building/Mobile Home/Personal Property) PROPERTY ADDRESS <i>(Legal Description may be attached)</i>		
3. LENDER ID. NO.	4. LOAN IDENTIFIER	5. AMOUNT OF FLOOD INSURANCE REQUIRED ‡		
SECTION II				
A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION				
NFIP Community Name	County(ies)	State	NFIP Community Number	
B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME				
NFIP Map Number or Community-Panel Number <i>(Community name, if not the same as "A")</i>	NFIP Map Panel Effective/ Revised Date	LOMA/LOMR	Flood Zone	No NFIP Map
		Yes Date		
C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply)				
<input type="checkbox"/> Federal Flood insurance is available (<i>community participates in NFIP</i>). <input type="checkbox"/> Regular Program <input type="checkbox"/> Emergency Program of NFIP <input type="checkbox"/> Federal Flood insurance is not available because community is not participating in the NFIP <input type="checkbox"/> Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA), Federal Flood insurance may not be available. CBRA designation date: _____				
D. DETERMINATION				
IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES BEGINNING WITH LETTERS "A" OR "V")? <input type="checkbox"/> YES <input type="checkbox"/> NO				
If yes, flood insurance is required by the Flood Disaster Protection Act of 1973. If no, flood insurance is not required by the Flood Disaster Protection Act of 1973.				
E. COMMENTS (Optional):				
This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building/mobile home on the NFIP map.				
F. PREPARER'S INFORMATION				
NAME, ADDRESS, TELEPHONE NUMBER (<i>If other than Lender</i>)			DATE OF DETERMINATION	

FEMA Form 81-93, JUN 95

Standard Flood Hazard Determination Form Instructions

Paperwork Burden Disclosure Notice

Public reporting burden for FEMA Form 81-93 is estimated to average 20 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472; and to the Office of Management and Budget, Paperwork Reduction Project (30676-0264), Washington, DC 20503.

Note: The 1-800 number referred to in these instructions is not available as of June 1995. FEMA is in the process of establishing this service and will have this number in place by December 1995. A notice will be published in the **Federal Register** announcing this service. In the meantime, community status information can be obtained by faxing a request to (202) 646-3445. Mapping information can be obtained by faxing a request to (202) 646-4596.

Section I

1. *Lender Name and Address:* Enter lender name and address.

2. *Collateral (Building/Mobile Home/Personal Property) Property Address:* Enter property address for the insurable collateral. In rural areas, a postal address may not be sufficient to locate the property. In these cases, legal property descriptions may be used and may be attached to the form if space provided is insufficient.

3. *Lender Id. No.:* The lender funding the loan should identify itself as follows: FDIC-insured lenders should indicate their FDIC Insurance Certificate Number; Federally-insured credit unions should indicate their charter/insurance number; Farm Credit institutions should indicate their UNINUM number. Other lenders who fund loans sold to or securitized by FNMA or FHLMC should enter the FNMA or FHLMC seller/servicer number.

4. *Loan Identifier:* Optional. May be used by lenders to conform with their individual method of identifying loans.

5. *Amount of Flood Insurance Required:* Optional. The minimum federal requirement for this amount is the lesser of: the outstanding principal loan balance; the value of the improved property, mobile home and/or personal property used to secure the loan; or the maximum statutory limit of flood insurance coverage. Lenders may exceed the minimum federal requirements. National Flood Insurance Program (NFIP) policies do not provide coverage in excess of the value of the building/mobile home/personal property.

Section II

A. National Flood Insurance Program (NFIP) Community Jurisdiction

NFIP Community Name. Enter the complete name of the community (as indicated on the NFIP map) in which the

building or mobile home is located. Under the NFIP, a community is any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction. (Examples: Brewer, City of; Blue Springs, Town of; Washington, Borough of; Worcester, Township of; Baldwin County; Jefferson Parish.) For a building or mobile home that may have been annexed by one community but is shown on another community's NFIP map, enter the Community Name for the community with land-use jurisdiction over the building or mobile home.

County(ies). Enter the name of the county or counties in which the community is located. For unincorporated areas of a county, enter "unincorporated areas." For independent cities, enter "independent city."

State. Enter the two-digit state abbreviation. (Examples: VA, TX, CA.)

NFIP Community Number. Enter the 6-digit NFIP community number. This number can be determined by consulting the NFIP Eligibility Book or can be found on the NFIP map; copies of either can be obtained by calling 1-800-xxx-xxxx. If no NFIP Community Number exists for the community, enter "none".

B. NFIP Data Affecting Building/Mobile Home

The information in this section (excluding the LOMA/LOMR information) is obtained by reviewing the NFIP map on which the building/mobile home is located. The current NFIP map, and a pamphlet titled "Guide to Flood Maps," may be obtained by calling 1-800-xxx-xxxx. Note that even when an NFIP map panel is not printed, it may be reflected on a community's NFIP map index with its proper number, date, and flood zone indicated; enter these data accordingly.

NFIP Map Number or Community-Panel Number. Enter the 11-digit number shown on the NFIP map that covers the building or mobile home. (Examples: 480214 0022 C; 5810C0075 F.) Note that the first six digits will not match the NFIP Community Number when the sixth digit is a "C" or when one community has annexed land from another but the NFIP map has not yet been updated to reflect this annexation. When the sixth digit is a "C", the NFIP map is in countywide format and shows the flood hazards for the geographic areas of the county on one map, including flood hazards for incorporated communities and for any unincorporated county contained within the county's geographic limits. Such countywide maps will list an NFIP Map Number. For maps not in such countywide format, the NFIP map will list a Community-Panel Number on each panel. If no NFIP map is in effect for the location of the building or mobile home, enter "none".

NFIP Map Panel Effective/Revised Date.

Enter the map effective date or the map revised date shown on the NFIP map. (Example: 6/15/93.) This will be the latest of all dates shown on the map.

LOMA/LOMR. If a Letter of Map Amendment (LOMA) or Letter of Map

Revision (LOMR) has been issued by the Federal Emergency Management Agency (FEMA) since the current Map Panel Effective/Revised Date that revises the flood hazards affecting the building or mobile home, check "yes" and specify the date of the letter; otherwise, no entry is required. Information on LOMAs and LOMRs is available from the following sources:

1. The community's official copy of its NFIP map should have a copy of all subsequently-issued LOMAs and LOMRs attached to it.

2. For LOMAs and LOMRs issued on or after October 1, 1994, FEMA publishes a list of these letters twice a year as a compendium in the **Federal Register**; a subscription service providing actual copies of these letters semi-monthly is also available. To inquire about these two services, call 1-800-xxx-xxxx.

3. Most LOMAs and LOMRs issued since 1983 nationwide are contained in FEMA's Community Information System. An electronic listing may be requested, and may be limited to specific communities or states, if desired. For information on this service, call 1-800-xxx-xxxx.

Flood Zone. Enter the flood zone covering the building or mobile home. (Examples: A, AE, A1-30, V, VE, V1-30, AH, AO, B, C, X, D.) If the building or mobile home straddles the dividing line between two flood zones, list both. All flood zones beginning with the letter "A" or "V" are considered Special Flood Hazard Areas (SFHAs). Each flood zone is defined in the legend of the NFIP map on which it appears.

No NFIP Map. If no NFIP map covers the area where the building or mobile home is located, check this box.

C. Federal Flood Insurance Availability

Check all boxes that apply; however, note that boxes 1 (Federal Flood Insurance is available * * *) and 2 (Federal Flood Insurance is not available * * *) are mutually exclusive. Federal flood insurance is available to all residents of a community that participates in the NFIP. Community participation status can be determined by consulting the NFIP Eligibility Book, which can be obtained by calling 1-800-xxx-xxxx. The NFIP Eligibility Book will indicate whether or not the community is participating in the NFIP and whether participation is in the Emergency or Regular Program. If the community participates in the NFIP, check either Regular Program or Emergency Program. To obtain Federal flood insurance, a copy of this completed form may be provided to an insurance agent.

Federal flood insurance is prohibited in designated Coastal Barrier Resources Areas (CBRA) for buildings or mobile homes built or substantially improved after the date of the CBRA designation. An information sheet explaining CBRA areas may be obtained by calling 1-800-xxx-xxxx.

D. Determination: If any portion of the building/mobile home is in an identified SFHA, check yes (flood insurance is required). If no portion of the building/mobile home is in an identified SFHA, check no.

E. Comments: Optional. Persons completing the form may use this portion in any manner.

F. Preparer's Information: If other than the lender, enter the name, address, and telephone number of the company or organization performing the flood hazard determination. An individual's name may be included, but is not required.

Date of Determination. Enter date on which the flood hazard determination was completed.

Other Information

Multiple Buildings: If the loan collateral includes more than one building, a schedule for the additional building(s)/mobile home(s) indicating the determination for each may be attached. Otherwise, a separate form must be completed for each building or mobile home. Any attachment(s) should be noted in the comment section. A separate flood insurance policy is required for each building or mobile home.

Guarantees Regarding Information: Determinations on this form made by persons other than the lender are acceptable only to the extent that the accuracy of the information is guaranteed.

Dated: June 20, 1995.

Richard T. Moore,

Associate Director for Mitigation.

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