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The Honorable Deanne Criswell  
Administrator  
Federal Emergency Management Agency  
500 C St., SW  
Washington, DC 20472

*Submitted via Federal eRulemaking Portal*

**Re: Comments in response to the Request for Information on the National Flood Insurance Program's Floodplain Management Standards for Land Management and Use, and an Assessment of the Program's Impact on Threatened and Endangered Species and their Habitats; Docket ID: FEMA-2021-0024**

Dear Administrator Criswell:

[Organization/ individual name] is pleased to respond to the Federal Emergency Management Agency's (FEMA) Request for Information ("FEMA RFI") on reforming the National Flood Insurance Program's (NFIP) floodplain management standards for building and land use. Climate change will increase the risk of flooding, especially in densely-populated coastal areas. NFIP's outdated building and land-use standards will not sufficiently protect communities from this growing threat.

Smart policy and the law both mandate that FEMA revise the NFIP floodplain management standards to adequately account for the increasing risk of flooding. Safer and stronger construction and land-use standards should require more flood-resistant buildings and discourage development in areas prone to flooding today and increasingly at risk of flooding due in the future due to climate change. By updating critical aspects of the program FEMA will provide communities the opportunity to anticipate and plan for how to reduce flood risk, save lives and protect property.

Please find below proposed reforms to the program:

- (1) Use the Best Science Available to Protect Against Building in Flood-Prone Areas:** FEMA must incorporate the best available science regarding sea levels, precipitation, and intensity of hurricanes in any revision or update of NFIP flood maps. FEMA must also include multiple future conditions flood elevations as advisory layers on Flood Insurance Rate Maps so they can be used for planning purposes.
- (2) Require Buildings to Be Less Vulnerable to Flooding:** Require non-critical structures to be designed with a higher margin of safety against flooding. In A zones, FEMA should adopt a higher freeboard standard, requiring, at minimum, **2 feet** of freeboard above the base flood elevation (BFE) for new construction and for substantial damage or improvements to existing structures. In V zones, FEMA should require a higher freeboard standard of **4 feet** above the non-sea level rise adjusted BFE for new construction and for substantial damage or improvements to existing structures.

- (3) Protect Critical Infrastructure from Floods:** Create a new standard for critical facilities and infrastructure. FEMA should:
- a. Prohibit new critical facilities/infrastructure, where feasible, from the 0.2 percent annual chance floodplain.
  - b. If location outside of the 0.2 percent annual chance floodplain is not feasible, require redeveloped, substantially improved, or new critical facilities/infrastructure to be elevated to the 0.2 percent chance flood elevation, plus freeboard to account for future conditions, or the historical flood of record, whichever is greater.
- (4) Increase Buyouts for Repeatedly Flooded Properties** Increase the ICC payout from \$30,000 to at least \$60,000. Add a new optional ICC coverage option that goes up to at least \$100,000. In addition, expand eligible activities to include buyouts of substantially damaged properties and other residential mitigation activities.
- (5) Require that Renters and Property Owners are Informed of Flood Risks:** As a condition of participation in the NFIP, states should be required to enact disclosure laws that provide the information about flood risk. Such a requirement should ensure that persons selling or renting a property disclose the following information:
- a. Whether the home has ever been damaged by a flood and the extent of the damage
  - b. Whether the home is located in a floodplain and, if it is, the flood zone classification (100-year or 500-year) of the property and the source and date of this information; an
  - c. Whether the seller and/or previous owners ever received federal disaster aid that would require all future owners to obtain and maintain flood insurance on the property and, if they have, the type of aid and amount received.

### **Begin the rulemaking process to reform the NFIP**

Congress created the NFIP to reduce flood damages nationwide and to ease the federal government's financial burden for providing disaster recovery. However, flood damages and federal spending on flood recovery are rising, meaning that the NFIP is failing to achieve its primary goal. To reduce future flood damage, strengthen minimum standards and improve flood mapping, the NFIP must adequately account for the impact of climate change and increasing development on flood hazards. FEMA must use the information collected from this process to initiate rulemaking as soon as possible.

Sincerely,