

Text from Flood Insurance Manual

SPECIAL RATING SITUATIONS

May 1, 2005

Map "Grandfather" Rules-Effect of Map Revisions on Flood Insurance Rates.

A community will occasionally make structural improvements (dams, levees, etc.) to reduce the potential effects of flooding; experience new development aggravating the flooding situation, thereby expanding the floodplain; revise geographical boundaries resulting in the designation of additional flood hazard areas; or provide information to better delineate the BFE and/or flood insurance risk zones. When these situations occur, the FIRM is revised and republished.

The implementation of a new FIRM raises the question-HOW DOES THE NEW MAP AFFECT FLOOD INSURANCE RATES?

1. Grandfather Rules

To recognize policyholders who have built in compliance with the FIRM and/or remained loyal customers of the NFIP by maintaining continuous coverage, the Federal Emergency Management Agency has "Grandfather rules." These rules allow such policyholders to benefit in the rating for that building. For such buildings, the insured would have the option of using the current rating criteria for that property or having the premium rate determined by using the BFE and/or flood zone on the FIRM (old map) in effect when the building was originally constructed (for those built in compliance) or when coverage was first obtained (for those with continuous coverage). This results in a cost savings to insureds when the new map resulting from a map revision would result in a higher premium rate. The conditions that must be met for an insured to be eligible to receive the rating benefit from the "Grandfather rules" after a map revision (new map) becomes effective are described below.

2. General Rule of Rating

Always use the new map if it will provide a more favorable premium (lower rate).

3. Existing Business-Renewal Policies

Policies written to cover either Post-FIRM or Pre-FIRM construction may be renewed and rated based on the FIRM and/or BFE in effect when the policy was initially rated as long as the coverage is continuous and the building has not been altered to make the reference level lower than the BFE on that FIRM. (NOTE: Alteration does not apply to Pre-FIRM construction or to risks grandfathered to a B, C, or X Zone.)

a. Examples-Post-FIRM Construction

- A building was constructed in 1980. Coverage was purchased at the time of construction. The FIRM zone in effect was A1. The BFE was 10'. The Lowest Floor was 11'. The elevation difference was +1, and the policy was rated using a +1 elevation difference.

This policy was written and continuously renewed for 3 years. In 1983 a new map for the community was issued.

The property remained in an A1 Zone. However, the BFE became 12'. Because the lowest floor did not change, the elevation difference was -1. Since continuous coverage existed on the policy and the building was not altered in any way, the policy can be rated using a +1 elevation difference.

- A building was constructed in 1980. The FIRM zone in effect was A. In 1983 the map was revised, which placed the building in a VE zone. Since continuous coverage existed and the building was not altered, the policyholder can continue to use Zone A in determining the rate.

b. Example-Pre-FIRM Construction

At the time flood insurance coverage was applied for, the building was located in Zone A99. A new map designated the zone as AE. The policy may continue to be rated using Zone A99 rates on the old map as long as there is no interruption in coverage.

4. New Business-Applications for Coverage

a. Post-FIRM Construction

NOTE: These rules apply to buildings in all zones, including Zone D.

If a new policy is applied for, the rates can be based on the FIRM zone and the BFE on the old map in effect on the date the building was constructed provided that:

- The building was built in compliance with the map in effect at the time of construction; and
- The building has not been altered in any way that has resulted in a lowest floor, for rating purposes, lower than the BFE on that FIRM (e.g., enclosing the area below an elevated building); and
- The building has not been substantially improved. The property owner or producer must provide proper documentation to the WYO company or NFIP Servicing Agent. The documentation must show: the date of the FIRM; the zone on that FIRM in which the property is located; the BFE, if any, for that zone; a copy of the map panel showing the location of the building; and the rating element that is to be grandfathered. A letter from a community official verifying this information also is acceptable.

Example:

A building was constructed in 1980 and, according to the FIRM in effect at that time, was located in Zone AE. No insurance policy was purchased until 1990. At that time remapping had occurred and the zone had been changed to a more hazardous area. Zone VE. The new policy can use Zone AE as the rating zone if the required documentation is provided.

b. Pre-FIRM Construction

This “built in compliance” rule also applies to Pre-FIRM construction if the date of construction was on or before December 31, 1974, and was on or after the FIRM date.

Example:

A building was constructed in November of 1974 and the FIRM date was May 3, 1973. The old map showed the building’s location as Zone C. Ten years later in 1984, a new map placed the building in an A zone. Flood insurance coverage was applied for after the map was revised. To use the old map showing Zone C as the rating zone, proper documentation must be submitted.

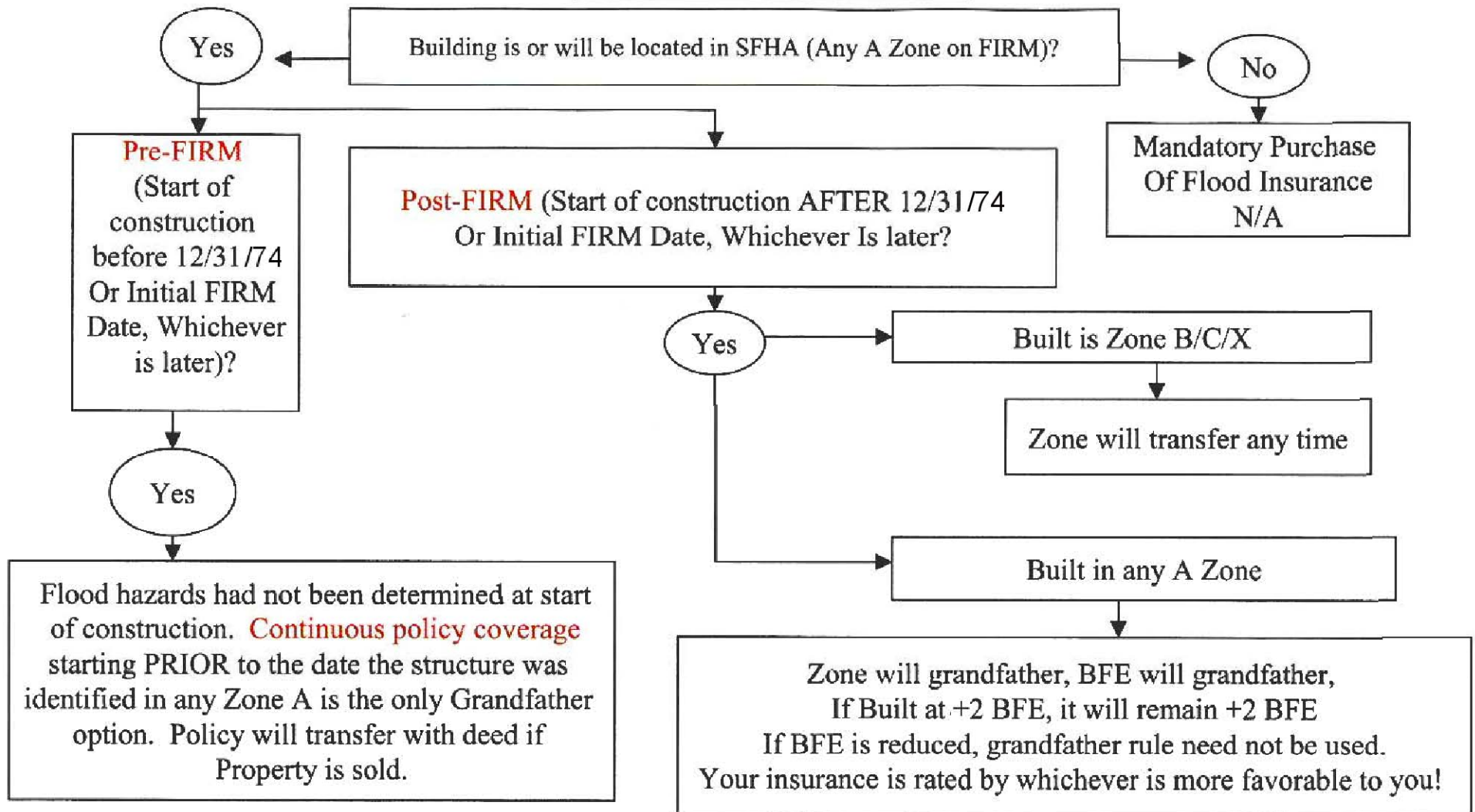
DEFINITION:

Grandfathering. An exemption based on circumstances previously existing. Under the NFIP, buildings located in Emergency Program communities and Pre-Flood Insurance Rate Map buildings in the Regular Program are eligible for subsidized flood insurance rates. Post-Flood Insurance Rate Map buildings in the Regular Program built in compliance with the floodplain management regulations in effect at the start of construction will continue to have favorable rate treatment even though higher base flood elevations or more restrictive, greater risk zone designations result from Flood

PREFERRED RISK FLOOD INSURANCE POLICY

To be eligible for building/contents coverage or contents-only coverage under the PRP, the building must be in a B, C, or X Zone on the effective date of the policy. The flood map available at the time of the renewal offer determines a building's continued eligibility for the PRP. **NFIP map grandfathering rules do not apply to the Preferred Risk Policy.**

NFIP Grandfather Rules



Important Definitions

From National Flood Insurance Program's Flood Insurance Manual

NFIP Grandfather Rules – An exemption based on circumstances previously existing. Under the NFIP, buildings located in Emergency Program communities and Pre-Flood Insurance Rate Map buildings in the Regular Program are eligible for subsidized flood insurance rates. Post-Flood Insurance Rate Map buildings in the Regular Program built in compliance with the floodplain management regulations in effect at the start of construction will continue to have favorable rate treatment even though higher base flood elevations or more restrictive, greater risk zone designations result from Flood Insurance Rate Map revisions.

Special Flood Hazard Area – An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purposes of determining Community Rating System premium discounts, all AR and A99 zones are treated as non-SFHA.

Pre-FIRM – A building for which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial Flood Insurance Rate Map (FIRM)

Post-FIRM – A building for which construction or substantial improvement occurred after December 31, 1974, or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

Mandatory Purchase Requirement - Under the provisions of the Flood Disaster Protection Act of 1973, individuals, businesses and others buying, building, or improving property located in identified areas of special flood hazard within participating communities are required to purchase flood insurance as a prerequisite for receiving any type of direct or indirect federal financial assistance (e.g., any loan, grant, guaranty, insurance, payment, subsidy, or disaster assistance) when the building or personal property is the subject of or security for such assistance.