



FEMA



Changes to FEMA's Appeals Process

FEMA is revising its existing appeal policy to expand the due process procedures currently provided for new or modified Base Flood Elevations (BFEs) and base flood depths to other new or modified flood hazard information shown on a Flood Insurance Rate Map (FIRM), including the addition or modification of any Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway. SFHAs are areas subject to inundation by the base flood and include the following flood insurance risk zone designations: A, AO, AH, A1-A30, AE, A99, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-V30, VE, and V. The regulatory floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water-surface elevation more than a designated height.

When is the new policy effective?

This guidance is effective as of December 1, 2011 and applies to certain in-progress and all future flood studies and Physical Map Revisions (PMRs). Specifically it will apply to all flood studies and PMRs for which preliminary and certain revised preliminary FIRMs and Flood Insurance Study (FIS) reports are issued on or after December 1, 2011. It will also apply to all flood studies and PMRs for which a proposed flood hazard determination (formerly called a Proposed Rule) is published in the FEDERAL REGISTER on or after December 1, 2011. It will not apply to flood studies and PMRs for which preliminary FIRMs and FISs were issued prior to December 1, 2011 and for which a statutory 90-day appeal period was not required at the time of issuance.

The guidance also applies to Letters of Map Revision (LOMRs) that reflect updated flood hazards issued on or after December 1, 2011.

What Effect will the Policy Change Have?

Under the new policy, the addition/modification of BFEs/base flood depths or any change in SFHA boundary, floodway delineation, or zone designation requires a statutory 90-day appeal period and the fulfillment of the additional due process notification requirements outlined in the National Flood Insurance Program regulations.

Federal Register publications and other public notices identifying appealable FIRM changes will be simplified under the *Expanded Appeals Process* and will no longer include specific flooding source names or BFE listings; instead links to online preliminary Flood Insurance Studies (FISs) and FIRMs and LOMR documents will be included in the notices to allow users to better understand the changes being made to their community's FIS and FIRM.

For More Information

For more detailed information on the *Expanded Appeals Process*, refer to FEMA Procedure Memorandum 57; or contact your local FEMA Region Office: http://www.fema.gov/plan/prevent/fhm/fp_key.shtm.

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