

The Mandatory Purchase of Flood Insurance Requirement

NFIP: The Town of Oro Valley participates in the National Flood Insurance Program (NFIP) which makes Federally backed flood insurance available for all eligible buildings, whether they are in a floodplain or not. Flood insurance in Oro Valley covers direct losses caused by surface flooding, including a river or wash flowing over its banks and other local drainage problems.

The NFIP insures buildings, including mobile homes, with two types of coverage: building and contents. Building coverage is for the walls, floors, insulation, furnace, and other items permanently attached to the structure. Contents coverage may be purchased separately, if the contents are in an insurable building.

Mandatory Purchase Requirement: The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 made the purchase of flood insurance mandatory for Federally backed mortgages on buildings located in Special Flood Hazard Areas (SFHAs). It also affects all forms of Federal or Federally related financial assistance for buildings located in SFHAs. The SFHA is the base (100-year) Floodplain mapped on a Flood Insurance Rate Map (FIRM). It is shown as one or more zones that begin with the letter "A" or "V" ("V" Zones are for coastal areas only).

The requirement applies to secured mortgage loans from financial institutions, such as commercial lenders, savings and loan associations, savings banks, and credit unions that are regulated, supervised or insured by Federal agencies such as the Federal Deposit Insurance Corporation and the Office of Thrift Supervision. It also applies to all mortgage loans purchased by Fannie Mae or Freddie Mac in the secondary mortgage market.

Federal financial assistance programs affected by the laws include loans and grants from agencies such as the Department of Veterans Affairs, Farmers Home Administration, Federal Housing Administration, Small Business Administration, and the Department of Homeland Security's FEMA.

How it Works: Lenders are required to complete a Standard Flood Hazard Determination (SFHD) form whenever they make, increase, extend, or renew a mortgage, home equity, home improvement, commercial, or farm credit loan to determine if the building or manufactured (mobile) home is in an SFHA. It is the Federal agency's or the lender's responsibility to check the current Flood Insurance Rate Map (FIRM) to determine if the building is in an SFHA. For properties within Oro Valley copies of the FIRM are available for review at the Public Works building at 11000 North La Canada. Lenders may also have copies or they may use a flood zone determination company to provide the SFHD form.

If the building is in an SFHA, the Federal agency or lender is required by law to require the recipient to purchase a flood insurance policy on the building. Federal regulations require building coverage equal to the amount of the loan (excluding appraised value of the land) or the maximum amount of insurance available from the NFIP, whichever is less. The maximum amount available for a single-family residence is \$250,000. Government-sponsored enterprises, such as Freddie Mac and Fannie Mae, have stricter requirements.

The mandatory purchase requirement does not affect loans or financial assistance for items that are not covered by a flood insurance policy such as vehicles, landscaping, and vacant lots. It does not affect loans for buildings that are not in an SFHA, even though a portion of the lot may be. While not mandated by law, a lender may require a flood insurance policy, as a condition of a loan, for a property in any zone on a FIRM.

If a person feels that an SFHD form incorrectly places the property in the SFHA, he or she may request a Letter of Determination Review from FEMA. This must be within 45 days of the determination. More information can be found at http://www.fema.gov/plan/prevent/fhm/fq_gen11.shtm.

For any additional floodplain questions and/or for floodplain status inquiries for properties within Oro Valley please contact Fritz Laos at 229-4818. Floodplain Status Request Forms can be downloaded from <http://www.ovalleyaz.gov/site3.aspx>. Click on the Stormwater Icon at the home page.