



FEMA

December 11, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Robert Nelson
Mayor, City of Bay City
1901 Fifth Street
Bay City, Texas 77414

Dear Mayor Nelson:

I am writing this letter as an official reminder that the City of Bay City, Texas, has until January 15, 2021, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

The City of Bay City must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by January 15, 2021, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

The NFIP State Coordinating Office for your State has verified that Texas communities may include language in their floodplain management measures that automatically adopt the most recently available flood elevation data provided by FEMA. Your community's floodplain management measures may already be sufficient if the measures include suitable automatic adoption language and are otherwise in accordance with the minimum requirements of the NFIP. The NFIP State Coordinator can assist you further in clarifying questions you may have about automatic adoption.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in Special Flood Hazard Areas (SFHAs). This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.

Your NFIP State Coordinator and FEMA would like to assist the City of Bay City to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the City of Bay City is encountering difficulties in enacting its measures.

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I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Texas Water Development Board. Yi Ling Chan, CFM, the NFIP State Coordinator, is accessible by telephone at (512) 936-6903, in writing at 1700 North Congress Avenue, Austin, Texas 78701, or by electronic mail at yi.chan@twdb.texas.gov.

The FEMA Regional staff in Denton, Texas, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (940) 898-5127 or in writing. Please send your written inquiries to the Director, Mitigation Division, FEMA Region VI, at Federal Regional Center, 800 North Loop 288, Denton, Texas 76209-3698.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Additional information on community suspensions as proposed, other notices of current NFIP community status information, and details regarding updated publication requirements of community eligibility status information under the NFIP can be found on the Community Status Book section of our website at www.fema.gov. Please note that per *Revisions to Publication Requirements for Community Eligibility Status Information Under the National Flood Insurance Program*, 85 FR 68782 (October 30, 2020) (codified at 44 CFR pts 59 and 64), notices for scheduled suspension will no longer be published in the *Federal Register* as of June 2021 but will be available at www.fema.gov. Individuals without internet access will be able to contact their local floodplain management official and/or NFIP State Coordinating Office directly for assistance.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

Enclosure

cc: Tony Robinson, Regional Administrator, FEMA Region VI
Yi Ling Chan, CFM, NFIP State Coordinator, Texas Water Development Board
Barry Calhoun, Public Works Director, City of Bay City



National Flood Insurance Program Regulations

FEMA F-775 / June 2009



FEMA

FEMA F-775
Catalog No. 09049-3



FEMA

The Government Accounting Office (GAO) site - <http://www.gao.gov/>

The FEMA Federal Register Notices and Rules Archives - http://www.fema.gov/help/lib_arch.shtm

FEMA acronyms, Abbreviations and Terms (FAAT) - http://www.fema.gov/pdf/plan/prepare/faatlist03_05.pdf

FEMA Laws and Regulations and the National Flood Insurance Program

1. Flood Insurance related laws and regulations

The FEMA regulations are set forth in 44 Code of Federal Regulations (CFR). This book of Federal regulations is updated yearly, the FEMA regulations are updated every October 1. A good link to find the full set of regulations and parts thereof, is: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>. Once you are in the 44 CFR, go to the specific chapter title you are looking for (links to each chapter are listed below).

The National Flood Insurance Program (NFIP) regulations, a part of the FEMA Regulations, begins at 44 CFR 59, and runs through 44 CFR 80. Keep in mind that many of these parts are mitigation-related as well as being Flood insurance- related since much of the programs are intertwined, as you can see from the titles of each chapter below. The main area for flood insurance and the Standard Flood Insurance Policies are Chapter, or Part, 61 through 63.

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| 44 | CFR SUBCHAPTER B--INSURANCE AND HAZARD MITIGATION |
| 59 | 59.1 To 59.30 General Provisions |
| 60 | 60.1 To 60.26 Criteria For Land Management And Use |
| 61 | 61.1 To 61.17 Insurance Coverage And Rates |
| 62 | 62.1 To 62.24 Sale Of Insurance And Adjustment Of Claims |
| 63 | 63.1 To 63.18 Implementation Of Section 1306(C) Of The National Flood Insurance Act Of 1968 |
| 64 | 64.1 To 64.6 Communities Eligible For The Sale Of Insurance |
| 65 | 65.1 To 65.17 Identification And Mapping Of Special Hazard Areas |

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| 66 | 66.1 To 66.5 | Consultation With Local Officials |
| 67 | 67.1 To 67.12 | Appeals From Proposed Flood Elevation Determinations |
| 68 | 68.1 To 68.12 | Administrative Hearing Procedures |
| 69 | [Reserved] | |
| 70 | 70.1 To 70.9 | Procedure For Map Correction |
| 71 | 71.1 To 71.5 | Implementation Of Coastal Barrier Legislation |
| 72 | 72.1 To 72.7 | Procedures And Fees For Processing Map Changes |
| 73 | 73.1 To 73.4 | Implementation Of Section 1316 Of The National Flood Insurance Act Of 1968 |
| 74 | [Reserved] | |
| 75 | 75.1 To 75.14 | Exemption Of State-Owned Properties Under Self-Insurance Plan |
| 76-77 | [Reserved] | |
| 78 | 78.1 To 78.14 | Flood Mitigation Assistance |
| 79 | 79.1 To 79.9 | Flood Mitigation Grants |
| 80 | 80.1 To 80.21 | Property Acquisition And Relocation For Open Space |

Then National Flood Insurance Program began in 1968 following a series of large hurricanes and storms, as noted in the initial law and those that followed. (42 U.S.C. 4001 et seq.). These laws became the regulations set forth above. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, can be found at this site; http://www.fema.gov/pdf/fhm/fhm_acts.pdf; or http://www.law.cornell.edu/uscode/html/uscode42/uscode42.usc_sup_01_42_10_50.html.

National Flood Insurance Reform Act of 1994 resulted in major changes to the National Flood Insurance Program (NFIP). The law amended the Flood Disaster Protection Act of 1973. It provides tools to make the NFIP more effective in achieving its goals of reducing the risk of flood damage

to properties and reducing Federal expenditures for uninsured properties that are damaged by floods. <http://www.fema.gov/pdf/nfip/riegle.pdf>. This Act can also be found through the FEMA Library. <http://www.fema.gov/library/viewRecord.do?id=2217>

In 2004, Congress amended the above laws by enacting the Flood Insurance Reform Act (FIRA) 2004 - <http://www.fema.gov/pdf/nfip/fira2004.pdf>

2. Disaster Relief and Emergency Management

Other laws and related material you may hear about include some of the mitigation laws, including the following:

The Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) (Stafford Act) amended the Disaster Relief Act of 1974, PL 93-288. This Act constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs. <http://www.fema.gov/about/stafact.shtm>.

The Pre-disaster Mitigation Grant program is authorized through the Disaster Mitigation Act (DMA) which amends the Stafford Act; http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_public_laws&docid=f:publ390.106.pdf

The Mitigation Directorate has a regulations development page; http://online.fema.net/res_regulation.htm

3. Other useful sites

The site to find all regulations is at the National Archives, Federal Register site; <http://www.archives.gov/federal-register/cfr/>

If you are looking for daily Federal registers you can begin your search here - <http://www.archives.gov/federal-register/the-federal-register/>