



Flood Zone Dispute Process

When a flood insurance rate map (FIRM) is revised, a lender will review its loan portfolio to determine if any new structures are included in the 100-year floodplain. Under federal law, lenders must require flood insurance on the property as a condition of a mortgage or other home loan (reverse mortgage, home equity line, building/construction loan) if the structure is located in the mapped 100-year floodplain. The lender will notify the property owner by letter that they have determined the structure is now located in the Special Flood Hazard Area (100-year floodplain) and has 45 days to provide proof of flood insurance. If this does not occur, the lender will force place insurance. Forced placed insurance is always more expensive than if you purchase it yourself. To save money, purchase the insurance yourself and then pursue the options below. If a Letter of Map Amendment (LOMA) is granted by the Federal Emergency Management Agency (FEMA), you can get a refund on the flood insurance.

1. Review the flood map for your address. Flood maps can be found at your local city/town hall, usually in the engineering, building, planning, zoning or land use departments. Flood maps can also be viewed on the web at FEMA's Map Service Center website: <http://www.msc.fema.gov>

2. Contact your lender and request a review of additional data. Flood zone determinations are usually not done at the bank. Large banks often hire flood zone determination companies to make these determinations. If requested, a bank may be willing to evaluate more detailed data about your property, such as tax assessor's plot maps with map scale and North arrow, property deed, effective flood map with property boundary outlined, topographic map, or any other data you can gather at city/town hall that shows the location of your structure on the property. This will allow them to more accurately place the flood zone line in relation to the structure. If the bank will only consider a LOMA from FEMA, see the processes outlined below and choose the one that applies to your situation.

3. Letter of Determination Review (LODR). A borrower may request a letter of determination review (LODR) from FEMA if they contest the flood zone determination made by the lender. The borrower and the lender must jointly request a LODR from FEMA. The LODR submittal to FEMA must be postmarked no later than 45 days after the date of the lender's determination. The LODR fee is \$80. More information on the LODR process, documentation needed and where to send the request can be found at: <http://www.fema.gov/national-flood-insurance-program/how-request-flood-hazard-determination-review-fema>. If the lender does not agree to this review or if the 45 day time limit has passed, the borrower can still pursue a LOMA (see below). If it is determined through the review process that the structure is not located in the floodplain, and if the lender waives the flood insurance purchase requirement, a full premium refund can be obtained if no claim on the policy has been made.

LOMA Processes

A Letter of Map Amendment (LOMA) is an official determination from the Federal Emergency Management Agency (FEMA) determining if a structure, parcel, or part of a parcel is located in the 100-year floodplain (special flood hazard area – SFHA). If a LOMA is approved, a bank will usually lift the mandatory requirement for flood insurance and you can request a refund on your flood insurance premium. More information on the LOMA process can be found at: http://www.fema.gov/media-library-data/20130726-1744-25045-2421/lomc_req_factsheet.pdf

1. LOMA Out As Shown (OAS). To utilize this type of LOMA, you must first have viewed the flood map, located your structure, and can determine that the entire width of the flood zone line does not touch any part of the structure. This request is only for those structures that are obviously located outside of the floodplain when looking at the map. You would use the MT-EZ form, see link below. No elevation certificate or elevation data is needed. You will need to include all other information requested with the form (certified copy of deed, certified copy of tax assessor's map with map scale and North arrow, and copy of flood map with property boundary indicated). You should also write the words "LOMA Out As Shown" across the first page of the form and include a letter saying you are requesting a "LOMA Out As Shown" review. There is no fee to process a LOMA.

MT-EZ form: <http://www.fema.gov/media-library/assets/documents/8001?id=2328> (pick the tenth item on the list for the complete package in pdf with instructions)

2. LOMA in an A Zone without BFE. Zone A areas present a challenge as FEMA has not determined a base flood elevation (BFE) for the area. A BFE is needed to process the LOMA as it is used as a comparison to the lowest adjacent grade (LAG) touching the structure. When you send in the LOMA form, you must request that FEMA calculate a BFE for the location to use in processing the LOMA. In this letter you should also state that you have checked with your municipality and the State NFIP Coordinator, and no BFE has been calculated for your location. They will be conservative when calculating a BFE. You also have the option to hire a licensed professional engineer to develop a BFE for your location to be used in processing the LOMA. See link below for the MT-EZ form. There is no fee to process the LOMA but you will need to hire a land surveyor to prepare an elevation certificate to accompany the form, or fill out the elevation data in section 4 of the MT-EZ form. You will also need to provide a certified copy of your deed, certified copy of an assessor's map with map scale and North arrow, and a copy of the flood map with property boundary indicated.

MT-EZ form: <http://www.fema.gov/media-library/assets/documents/8001?id=2328> (pick the tenth item on the list for the complete package in pdf with instructions)

3. LOMA for a single lot/single structure with a Base Flood Elevation (BFE). You will use the MT-EZ form, see link below. You first need to hire a licensed land surveyor to obtain an elevation certificate or complete section 4 of the form. There is no fee to apply for a LOMA. You will also need to provide a certified copy of your deed, certified and copy of an assessor's map which you can find at your town hall, and a copy of the flood map for the area with the property boundary indicated.

MT-EZ form: <http://www.fema.gov/media-library/assets/documents/8001?id=2328> (pick the tenth item on the list for the complete package in pdf with instructions)

For additional assistance, contact Diane Ifkovic, State National Flood Insurance Program (NFIP) Coordinator, Connecticut Department of Energy & Environmental Protection, (860) 424-3537, email: diane.ifkovic@ct.gov.