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September 8, 2015

The Honorable Morgan Griffith
U.S. House of Representatives
1108 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Griffith:

On behalf of the 1 million members, the National Association of REALTORS® thanks you for introducing HR 3297, the Fairness in Flood Insurance Act. NAR supports this bill which would allow communities and property owners who believe their properties have been incorrectly mapped into high-risk floodplains adequate time and recourse in challenging those mapping decisions. NAR believes that the following provisions will greatly benefit homeowners:

- **Streamlines the map appeals process.** Because FEMA maps at the lower, community-level resolution, many properties built on higher ground are mistakenly categorized as “high risk.” Yet, there is currently not a relatively inexpensive, quick, or straightforward process to remove these properties from the map. This bill would provide that process and codify the right of communities and property owners to appeal mapping inaccuracies at any time.
- **Extends the formal appeals deadline from 90 days to 6 months.** Communities now have just 90 days to review the proposed maps; identify all the inaccuracies and areas to contest; gather and respond to all the public input and comments; hire and contract with a team of engineers to develop the new data and science to support the petition(s); conduct, oversee, complete and submit the final report along with any supporting data and documentation necessary for FEMA’s consideration. If unable to do all this within 90 days, the community forfeits eligibility for expense reimbursement even if FEMA ultimately admits to making an error and revises the maps accordingly. Six months would be a far more realistic timeframe for new data or science to be completed, without unnecessarily lengthening the 5-year turn-around goal for those maps.
- **Levels the playing field for smaller communities.** Only larger and wealthier communities have the engineers on staff and tax bases to spend the tens if not hundreds of thousands on new data and science for FEMA to draw better maps. For the rest, the property owners are on their own to organize and come up with funds to conduct the requisite studies which FEMA should have conducted in the first place. By requiring the Agency to respond to community or property owner requests and justify any cost cutting map assumptions or judgements in court, the bill could improve the accuracy of the proposed maps so communities would spend less on improving them.
- **Refunds and reimburses costs for successful appeals.** The bill removes barriers to appeals by smaller and less wealthy communities:
 - Provides reimbursement for communities and property owners who appeal and win. Many who believe they can prevail against FEMA on the science do not now appeal because it would mean spending out of pocket with no hope of cost recovery. The bill would address this obstacle.
 - Replaces the notice-and-comment rulemaking prerequisite with a more realistic requirement to issue guidelines before FEMA can begin reimbursing



homeowners for successful appeals. Given the large backlog of regulations at the Homeland Security Department, FEMA estimates that a rulemaking could take years. The bill would require instead that FEMA issue the appropriate guidance within 60 days of enactment. We see little need to wait for a formal rulemaking before FEMA begins reimbursing property owners where it has agreed the maps are inaccurate.

- **Shifts the burden back on FEMA to propose quality maps.** Currently, FEMA has little incentive to verify the accuracy of its flood maps because if it proposes a subpar map, the burden is now entirely on the community to come up with better data and science should it want FEMA to correct the map. FEMA can simply propose maps that are “good enough for government work” and point to the appeals process to work out any kinks. As previously outlined, only larger and wealthier communities are equipped to take advantage of the current appeals process because of the cost and burden of developing new science and data. Instead, this bill would require FEMA to respond by producing the flood maps they should have done in the first place, upon the request of a community or property owner. It would also incentivize the Agency to produce more accurate maps earlier in the process because otherwise, the Agency will have to defend those judgements and assumptions before a court, administrative hearing or scientific review board.

Again, NAR supports HR 3297, Fairness in Flood Insurance Act, and looks forward to working with you to strengthen the accuracy of the flood maps and reauthorize the National Flood Insurance Program over the long-term.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Polychron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chris Polychron
2015 President, National Association of REALTORS®