

National Flood Examiner

THE OFFICIAL NEWSLETTER OF THE NATIONAL FLOOD DETERMINATION ASSOCIATION • Volume 12, Issue 2 • Fall 2008

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The National Flood Examiner, the official newsletter of the National Flood Determination Association (NFDA), is published biannually for our members and all other interested parties. For more information about the NFDA or to subscribe to this newsletter, go to the "Contact us" section of www.nfdaflood.com.

Letter from the President

Dear Members, Affiliates and Industry Colleagues:

2008 has been nothing short of eventful, with significant activities in the areas of regulatory action, legislative proposals, unprecedented flood map updates and heightened attention to the future direction of the National Flood Insurance Program. The NFDA has spent this year working diligently to stay abreast of current events affecting the flood determination industry and keeping our membership informed of initiatives that stand to shape our business processes and how we support the needs of our customers.

The NFDA has also strived to broaden its outlook on the future of the industry, reaching out to FEMA, the National Service Provider, members of Congress, Floodplain Managers and other affiliated industries for support of common goals and to share ideas for addressing important issues. As I reflect on the past eight months during which I have had the privilege of serving the NFDA as President, I recognize our progress in the areas of outreach and inter-industry cooperation; these accomplishments further highlight the need for greater NFDA involvement in promoting the continued success and effectiveness of the Flood Program.

The NFDA's planning efforts for 2009 are already underway, and there are many important events on the calendar that provide a forum for members and industry affiliates to exchange ideas. The Association's Strategic Planning Meeting for the coming year is scheduled for October 8, 2008, in Dallas, Texas and all members are encouraged to participate; a teleconference option is available for those who cannot attend in person. The next NFDA meeting with representatives of FEMA, the National Service Provider and the Map Service Center is being planned for early December in Alexandria, Virginia; the date and times will be communicated to members very soon. The

Continued on next page

NFDA's 12th Annual Retreat and Conference has been set for April 5-7, 2009, in beautiful Scottsdale, Arizona and is an event not to be missed. We are organizing a special segment to address lender-focused perspectives on regulatory issues, and will also have opportunities for discussion about flood mapping efforts, legislative action, recent case law and much more! I hope to see all members represented at this very important conference as well as have a broader representation of colleagues from related industries.

The NFDA is fortunate to have as a resource members who are authorities in the field of flood hazard determinations. In addition, we have the knowledgeable support of experts from numerous other industries who assist us in accomplishing our goals. In fact, you will find contributions from several of them

in this edition of *The National Flood Examiner*. Without the commitment from all of these very talented individuals, the NFDA could not sustain our efforts on the numerous initiatives that have brought us to where we are today.

We look forward to the next year to provide opportunities for further member involvement. In the coming months, the Association will continue to work towards meaningful progress in the areas of education and outreach, maintaining our efforts to provide an industry voice for our members, and contributing positively to the ongoing evolution of the National Flood Insurance Program.

Leila Taha, *NFDA President, 2008*

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SEPTEMBER 2008

Legislative Report from the Capitol

Meredith R. Inderfurth, *Washington Liaison*

Lots Up in the Air

Much legislative activity concerning the National Flood Insurance Program and FEMA's disaster mitigation and mapping programs can be expected in the short three-week remainder of the Congressional session in September. There was a flurry of activity in July as efforts were made to move measures through the legislative process ahead of the August Congressional recess. Much, however, was left to be dealt with in September. There are even some rumors of a short *Lame Duck* session following the November elections.

Notably, the major flood insurance reform legislation (H.R. 3121) is still not finalized, so the National Flood Insurance Program's authorization will expire September 30th if no action is taken before then. Also, Fiscal Year 2009 appropriations for the Department of Homeland Security, which includes FEMA, have not been finalized. It is likely that the department will be funded for some period of time via a Continuing Resolution, which would fund programs at their FY '08 levels. Will the NFIP

be reauthorized in a simple, quick bill with no reform provisions? Will the full reform package be adopted and, if so, will it look more like the Senate version or the House version? If funding is done through a Continuing Resolution, will it last only until November or will it continue to fund the government until February when a new Administration is in place? Answers to these questions will be known by the end of September, but are "up in the air" now.

As the Flood Examiner goes to press, the Congress has been in recess for the month of August and is scheduled to return from the Democratic and Republican Party Conventions to resume Congressional business on September 8th.

Flood Insurance Reform

Progress on reconciling differences between the House and Senate passed versions of the flood insurance reform bills (H.R. 3121 RFS and H.R. 3121 EAS) has been slow and seemingly stalled during the recess. Both House and Senate committee

staff counsels say that their Chairmen are committed to finalizing the legislation in September. The House officially requested a Conference Committee with the Senate and appointed conferees on July 10th. It is likely that the Senate will not actually appoint conferees, preferring to have issues resolved by staff discussions followed by discussions among the Chairmen and Ranking Minority Members.

House Financial Services Committee Chairman Barney Frank (D-MA) had publicly stated that he thought differences could be resolved in July but he now seems hopeful about getting this accomplished in September. Senate Banking Committee Chairman Chris Dodd (D-CT) has listed flood insurance reform as legislation that must be finalized in September. If this cannot be accomplished, some means will have to be devised before September 30th to provide a temporary reauthorization of the NFIP. Possibly a simple bill could be passed through procedures in the House and Senate for dealing with non-controversial bills. Also possibly a short-term reauthorization could be written into a Continuing Resolution providing temporary funding for federal departments and agencies.

“Notably, the major flood insurance reform legislation (H.R. 3121) is still not finalized, so the National Flood Insurance Program’s authorization will expire September 30th if no action is taken before then.”

Both the House and Senate bills contain substantial improvements to and expansion of FEMA’s on-going mapping responsibilities and authorize \$400 million a year for these purposes. Both bills, too, include versions of an amendment to delay use of new flood maps to either determine when flood insurance is required or to adjust premium rates until all maps in a given Corps of Engineers District are “completed.” The House version of the amendment would apply nationwide and the Senate

version would apply only to the St. Louis Corps District.

For a detailed comparison of provisions in the House and Senate bills, see the February, 2008 issue of *The National Flood Examiner*, available online at NFDAflood.com.

Appropriations

While many of the 12 regular appropriations bills funding the government’s departments and agencies for FY ‘09 have been acted on in committee, only one has passed the House (Military Construction and VA) and none have passed the Senate. The general assumption is that the Congress will agree to a Continuing Resolution during September, which would fund programs at the FY ‘08 level. Some envision the CR extending to February 2009 when a new President will be in office, while others expect a CR that would only extend until the elections are over in November and the Congress could return for a lame duck session.

FEMA is funded in the Homeland Security Appropriations bill. The Senate bill has been marked up and reported (S. 3181 and S. Rept. 110-396) while the House bill has been marked up, but not reported out of committee. Therefore, it does not yet have bill and report numbers. Both bills provide \$7.4 billion for FEMA, which is about \$550 million above the FY ‘08 funding level and \$2.1 billion above the President’s request. The House bill provides \$220 million for mapping in FY ‘09, the first year of map program funding after the five year Map Modernization Initiative. The amount is the same as provided for FY ‘08, but the Administration’s budget request had been \$150 million. The Senate bill provides \$185 million.

Other Legislation of Interest

Pre-Disaster Mitigation

Here again, both House and Senate have marked up bills reauthorizing this mitigation grant program (H.R. 6109 and S. 3175), but differences have not yet been resolved. This program, too, will expire September 30th if no action to reauthorize it has been finalized. The House bill is a fairly straightforward reauthorization but the Senate bill includes an amendment by Senator Mark Pryor (D-AR) which would make structural flood control projects eligible for pre-disaster mitigation funds. The program is usually funded at a level between \$100 and \$200 million and has been used for elevation, buy-outs, floodproofing and similar activities.

Levee Safety Program Development

Legislation was passed in July and signed by the President (H.R. 6040) to clarify that a portion of the funds in the Army Corps of Engineers' budget that provided for a national levee inventory could be used to support the work of the Levee Safety Committee. The committee had been created the year before by the Water Resources Development Act of 2007 (WRDA '07) and its purpose is to develop recommendations for a national levee safety program. However, a lack of clear authority to use some levee inventory funds to support the committee's work caused an unfortunate delay in commencement of the committee's work. The Levee Safety Committee hopes to have its recommendations in time for development of the next WRDA bill, probably in the upcoming Congressional session to begin in January.

Insurance

The House Financial Services Subcommittee took action in July on a number of insurance bills. Those included the Insurance Information Act (H.R. 5840), the Increasing Insurance Coverage Options for Consumers Act (H.R. 5792) and the Registered Agents and Brokers Reform Act (H.R. 5611). In addition, the Senate Banking Committee held a wide-ranging hearing on insurance regulatory oversight in July.

Building Codes

A bill (H.R. 4461) to create a competitive grant program promoting and enhancing operation of local building code enforcement was passed by the House in July. A similar measure (S.

2458) was introduced by Senator Mary Landrieu (D-LA) and is awaiting consideration by the Senate Banking Committee.

Flood Maps

Rep. Frank Pallone (D-NJ) introduced a bill (H.R. 6413) that would place a moratorium on FEMA's "plans to expand flood zones." According to Rep Pallone's press release, the bill would prevent FEMA from revising and updating flood maps until the agency submits to Congress an "extensive public notification plan so that all affected communities are individually briefed and affected residents have the opportunity to investigate whether their homes were placed in the flood zones appropriately." The bill also provides for means tested financial relief through tax write-offs of the cost of flood insurance. The House Financial Services Committee and the House Ways and Means (tax) Committee have not yet scheduled action on the bill.

Stafford Act Reform (Disaster Relief, Mitigation and Preparedness Programs)

The House Transportation and Infrastructure Committee approved a bill (H.R. 6658) at the end of July to make a variety of changes to the Stafford Act, which provides authority for many of FEMA's disaster response, preparedness and mitigation programs. The Committee Chairman hopes to bring the bill to the House floor for a vote in September.

All of the bills mentioned in this article can be reviewed by going to: <http://thomas.loc.gov> and typing in the bill number.

Get the A to Z on the Flood Industry in AZ

We keep saying it because it's true! The NFDA's annual retreat is a can't miss event for all who work in or interact with the flood determination industry. If your company makes the determinations, uses the determinations, or simply utilizes flood data, the retreat is an effective investment of your time. Topics cover everything from lending to insurance, from FEMA to regulators. It is a casual event in true retreat format, with serious work time but also plenty of down time for recreation. The NFDA's retreat receives rave reviews from those who attend, as it gives them an opportunity to openly discuss current issues with industry experts. It is a great way to learn the latest from FEMA and to provide them with your ideas or concerns.

So mark your calendars to join us, April 5-7, 2009, at the Hilton Scottsdale Resort & Villas Scottsdale, Arizona. For more information, please email info@NFDAflood.com.

National Flood Hazard Layer Getting Daily Updates

David Taft, *Michael Baker Jr., Inc.*

On July 14, 2008, FEMA started updating the National Flood Hazard Layer (NFHL) daily. The NFHL is a computer database that contains the flood hazard map information from FEMA's Flood Map Modernization program. These map data are from



Digital Flood Insurance Rate Map (DFIRM) databases and Letters of Map Revision (LOMRs).

New DFIRM data is now reflected on the NFHL as of their effective dates, providing users with access to the most current flood hazard information.

Online NFHL services, including *MapViewer - Web*, NFHL Web Map Service (WMS), and Google Earth™ utilities, provide access to these data immediately. The updates also are included in the monthly releases of NFHL Geographic Information System (GIS) data, which is packaged by individual state. For more information, visit the FEMA Map Service Center website at <http://msc.fema.gov> or call toll-free at 1-800-358-9616.

FEMA Releases MHIP Version 3.0

Ernie Lepore, *Michael Baker Jr., Inc.*

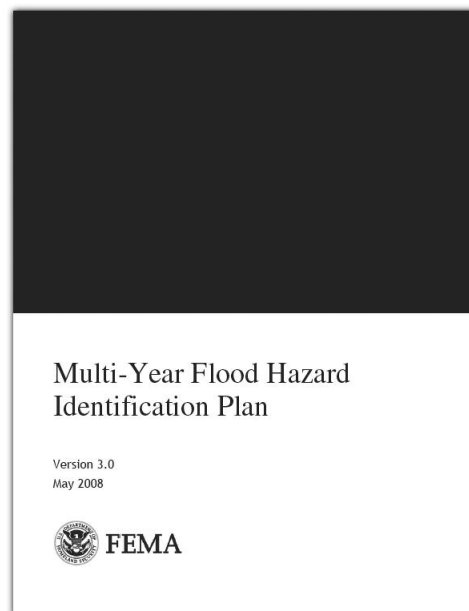
FEMA has released the latest version of the Multi-Year Flood Hazard Identification Plan (MHIP), Version 3.0, which details FEMA's plan for prioritizing and delivering modernized flood maps for areas of the United States with the greatest flood risk. MHIP Version 3.0 amends Version 2.0 dated September 2006 and Version 2.5 dated April 2007.

MHIP Version 3.0 provides:

- Detailed tables of flood map production targets;
- Stakeholder input information;
- A summary of FEMA's progress in meeting Key Performance Indicators for the Flood Map Modernization program; and
- Appendices that provide a detailed listing by state and county for all map production activities, both scheduled and completed.

MHIP Version 3.0, as well as previous versions, is available on FEMA's Flood Hazard Mapping Web site at

www.fema.gov/plan/prevent/fhm/mh_main.shtm. Interested parties with questions pertaining to the updated flood map production sequencing in



MHIP Version 3.0 are encouraged to contact their appropriate local and state officials, who are working with one of the 10 FEMA Regional Offices.

Waiting on the Other Shoe to Drop

Charles A. Burkhardt, Jonathan P. Dyal and R. Mark Alexander, Jr., *Balch & Bingham LLP*

Following the landfall of Hurricane Katrina on August 29, 2005, property owners filed a deluge of lawsuits against flood zone determination companies and their lender customers concerning flood zone determinations performed for home purchases across the Mississippi Gulf Coast. While this was an uncertain and disquieting period in the industry's history, fortunately the rulings stemming from those lawsuits have left the industry in the best legal position it has ever enjoyed. This article provides a historical perspective on the development of this favorable law and addresses the status of the most significant of those cases that is pending before the United States Court of Appeals for the Fifth Circuit (the "Fifth Circuit").

As discussed in more detail below, the *Paul v. Countrywide Home Loans, Inc.* and *Landsafe Flood Determination, Inc.* case is

positioned to be the single most important Mississippi case to the flood zone determination industry since the decision rendered by the United States District Court for the Southern District of Mississippi (the "District Court") in *Lusins v. First American Real Estate Solutions of Texas, L.P.*

Paul v. Countrywide Home Loans, Inc., et al.¹

In *Paul*, the plaintiffs took great pains to avoid characterizing their claims as a violation of the "Flood Act" (the "Act") being the basis for their claims and for good reason. Multiple cases



“The industry sits and waits on the other shoe to drop...”

*et al.*², and a Mississippi Supreme Court case, *McKinnon v. Batte*³, to support their position that Mississippi state law recognizes claims for erroneous flood zone determinations.

In response, Landsafe successfully distinguished its case from *McKinnon* because in *McKinnon*, an obligation arising under the Act was not an issue. Instead, the *McKinnon* plaintiffs entered into transactions with a surveyor themselves for the **plaintiffs'** benefit, not for the benefit of a regulated lender, to independently determine if they wanted to buy flood insurance. The District Court, in a one-page opinion, adopted the reason-

from other jurisdictions hold that property owners cannot maintain a private right of action against lenders and suggest that lender immunity might extend to flood zone determinants. In an attempt to avoid this pitfall, the plaintiffs alleged that Landsafe failed to “exercise that degree of care to skillfully discharge its obligation to perform the flood zone determination with such skill and prudence that a surveyor should exercise.” The plaintiffs, however, later conceded that their claims related solely to the defendants' obligation to provide a SFHD pursuant to the Act.

Landsafe and Countrywide sought dismissal of the lawsuit on several grounds and predictably, the plaintiffs argued that their claims were based on Mississippi law and not the Act. Specifically, plaintiffs relied on *Till v. Unifirst Federal Sav. and Loan Ass'n*,

“It is expected that the Fifth Circuit will uphold the decision of the District Court in favor of Landsafe and again confirm that homeowners have no private right of action under either federal or state law against flood zone determination companies.”

ing in *Lusins v. First American Real Estate Solutions of Texas, L.P.* and prohibited the homeowners from maintaining a private legal action against Landsafe under either federal or state law.

Lusins v. First American Real Estate Solutions of Texas, L.P.⁴

By all accounts, *Lusins v. First American Real Estate Solutions of Texas, L.P.* is the seminal case in Mississippi and the first case in a long line of Mississippi cases following Katrina that were extremely positive for the industry.⁵ In *Lusins*, the Court recognized that any claims plaintiffs make against flood determination companies arise under the Act. In doing so, the Court agreed with the unanimous body of federal and state law holding that plaintiff homeowners have no private right of action for claims arising under the Act since they, unlike lenders, are **not** the intended beneficiaries of the Act.

Importantly, the Court determined that if the Mississippi Supreme Court was considering the issue, it “would adopt the ‘unanimous conclusion of the federal judiciary’” that mortgagors have no private right of action against flood zone determination companies.⁶

Duhon v. Trustmark National Bank and Fidelity National Financial, Inc. d/b/a LSI Flood Svcs.⁷

Duhon v. Trustmark National Bank and Fidelity National Financial, Inc. d/b/a LSI Flood Svcs., is the only Mississippi state court (trial or appellate) case to the

knowledge of the authors, concerning claims based on an alleged erroneous flood zone determination. In *Duhon*, plaintiffs contended that their mortgage lender and/or its designated determination company were liable for determining that the Duhons’ home was not located in an SFHA when in fact it was. Trustmark and LSI filed separate motions to dismiss the homeowner claims, relying on *Lusins* and the unanimous body of federal and state case law denying private causes of action against lenders or deter-

mination companies for claims arising under the Act.

The Circuit Court for Jackson County, Mississippi granted the motions to dismiss and like the District Court in *Lusins*, followed the “unanimous body of case law” in ruling that plaintiff homeowners cannot maintain private causes of action against lenders or flood zone determination companies under Mississippi law.

Audler v. CBC Innovis, Inc., et al.⁸

Audler was certainly the proverbial dropping of the first shoe in the Fifth Circuit Court of Appeals in flood zone determination litigation arising from the effects of Hurricane Katrina. *Audler* was, and is, an extremely important and positive step, in addition to *Lusins*, for the industry. At issue on appeal in *Audler* was the decision of the United States District Court for the Eastern

“The Paul v. Countrywide Home Loans, Inc. and Landsafe Flood Determination, Inc. case is positioned to be the single most important Mississippi case to the flood zone determination industry since the decision rendered by the United States District Court for the Southern District of Mississippi in *Lusins v. First American Real Estate Solutions of Texas, L.P.*”

District of Louisiana granting the various flood zone determination company defendants' Motion to Dismiss. On appeal, the Fifth Circuit, a court one step removed from the United States Supreme Court, determined that CBC owed Audler no duty to correctly perform his flood determination because Audler was not an intended beneficiary of the Act. Rather, the Fifth Circuit reaffirmed the notion that the beneficiary of the Act is the mortgage company for whom the determination was performed. As a result, the Fifth Circuit affirmed the District Court's dismissal of Audler's claims.

“By all accounts, *Lusins v. First American Real Estate Solutions of Texas, L.P.* is the seminal case in Mississippi and the first case in a long line of Mississippi cases following Katrina that were extremely positive for the industry.”

Current Appeal

The plaintiffs in *Paul* have appealed the decision of the District Court to the Fifth Circuit where it currently is pending. The parties have fully briefed the issues and the case is now in a position for a final decision by the Fifth Circuit. Based on the Fifth Circuit's decision in *Audler*, it is expected that the Fifth Circuit will uphold the decision of the District Court in favor of Landsafe and again confirm that homeowners have no private right of action under either federal or state law against flood zone determination companies.

Thus, the industry sits and waits on the other shoe to drop...

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1 Civil Action No. 1:06cv432LG-RHW (S.D. Miss. 2007).

2 653 F.2d 152 (5th Cir. 1981).

3 485 So. 2d 295 (Miss. 1986).

4 2007 WL 1745625 (S.D. Miss. 2007).

5 *Lusins* held that homeowners have no private right of action against flood zone determination companies under federal and state law. *Lusins* was the first such decision by a Mississippi state or federal court following Hurricane Katrina and has repeatedly been cited with approval in all similar cases.

6 Other District Court cases following *Lusins* are *Kearney v. First Horizon Loan Corp.*, 2007 WL 4302963 (S.D. Miss. 2007); *Ellis v. Countrywide Home Loans, Inc. and X, Y, Z Corps.*, Civil Action No. 1:07cv118HSO-JMR (S.D. Miss. 2008); and *Lee v. Landsafe Flood Determination, Inc. and Countrywide Home Loans, Inc.*, Civil Action No. 1:06cv108LG-JMR (S.D. Miss. 2007).

7 Civil Action No. 2006-00169 (Circuit Court for Jackson County, Mississippi, September 27, 2007).

8 2008 U.S. App. Lexis 4174 (5th Cir. 2008)

ABOUT THE NATIONAL FLOOD DETERMINATION ASSOCIATION

The National Flood Determination Association (NFDA) is a national nonprofit organization comprised of flood zone determination companies, their vendors, and re-sellers. The association is dedicated to promoting the interests and success of members involved in making, distributing, and reselling flood zone determinations. NFDA serves as a collective industry voice on legislative and regulatory issues. NFDA supports the National Flood Insurance Program (NFIP) and the agencies that serve the NFIP.



FEMA Unfolds Paperless Plan

Gregg D'Albert, *LandAmerica Lender Services*

When it comes to flood maps, FEMA is eager to “go paperless,” a sentiment that is shared by many stakeholders. FEMA’s digital products (DFIRM, NFHL and MSC) offer advantages over paper maps, including potential cost savings for the user. As the paperless initiative progresses, the NFDA will be working with FEMA to provide feedback on some of the needs of member companies going forward.

One of the primary sources of such feedback is a survey that was distributed to NFDA members on August 19, and is being administered by Bruce Bender of Bender Consulting Services, Inc. The survey allows respondents to explain which FEMA products they use, how they use them and why they do or do not use them. The survey allows the NFDA members to share their needs and challenges with FEMA to ensure a mutually beneficial solution.

Despite the inherent advantages of digital maps, there are still challenges that must be overcome in order to ensure widespread adoption. One of the priorities cited most often by users of all map formats is the need for timely distribution: whether digital or paper, maps need to be available to stakeholders as far

ahead of the effective date as possible. Equally high on the list of priorities is the need for accuracy.

PM 42: The Ultimate Answer

On June 21, 2007, FEMA issued Procedure Memorandum #42 (PM 42) which essentially restructured the DFIRM Quality Assurance process to enable delivery of DFIRM products (both digital and paper) sooner. This is achieved primarily by ensuring that DFIRM databases drive the entire mapping process, instead of creating digital and paper maps under separate processes.

In addition, PM 42 added one DFIRM automated quality review, for a total of seven. Finally, PM 42 revised the timing of the quality reviews, and required that the DFIRM databases and FIRMs pass quality control reviews before FEMA or the mapping partner can issue a Letter of Final Determination.

For the full details of PM 42, see:

<http://www.fema.gov/library/viewRecord.do?id=2723>

To view a letter from FEMA issued to the NFDA regarding this digital data initiative, see: http://www.nfdaflood.com/PDFs/FEMA_Dig_Products_Letter

Proposal for NFDA Member Access to eLOMA Gains Traction

Gregg D'Albert, *LandAmerica Lender Services*

The proposal to expand FEMA’s eLOMA product to allow submissions by NFDA member companies moved another step closer to reality as the NFDA has presented FEMA with a Memorandum of Understanding (MOU) on the subject.

eLOMA is FEMA’s electronic Letter of Map Amendment application and distribution platform. Currently, licensed surveyors and engineers can submit single-lot LOMA applications online, and generate a Determination Document in minutes with eLOMA. For FEMA, a qualifying eLOMA application eliminates the laborious process of reviewing documentation, preparing paperwork and mailing out packets, saving the agency time and money.

Recognizing that many more stakeholders could realize the advantages of eLOMA if the program were expanded, the NFDA proposed that FEMA allow NFDA member companies to

submit applications using eLOMA in certain circumstances. FEMA expressed support of this proposal, and so the NFDA issued the MOU, which is now under review by FEMA.

While FEMA works through the MOU for final approval, the NFDA continues to finalize the Participation Agreement. This agreement will outline the obligations of both the NFDA and the member company participant. With eLOMA, the approved companies will be able to offer same-day resolution of mapping issues for their customers who are funding or insuring qualifying single-lot properties. This will be especially helpful to lenders who are on tight closing schedules. Naturally, the aforementioned benefits currently being realized by FEMA would be multiplied by this expansion of the eLOMA program.

Stay tuned for more updates on this project.

NFDAflood.com Gets Even Better

Greg Fisher, *First American Flood Data Services*, and **Guy Smith**, *MDA Lending Solutions, Inc.*

Several enhancements to NFDAflood.com were recently released that make the website more useful than ever for our member companies. Most notable were changes to the "Technical Mapping News" section in the Members Only area. The Map Issues functionality was updated to include a much more user-friendly search feature. The user now has the ability to search by a greater number of parameters or to request the complete list of issues. Users will note that when they submit a map issue, some data fields have been renamed and/or moved within the web page and some additional fields have been added in an effort to provide as much information as possible and to help avoid ambiguity. Additionally, the notification system for Map Issues has been enhanced. If you submit an issue, you will be notified via e-mail of any comments added to the issue or any changes to the issue's status.

Finally, also in "Technical Mapping News," a PowerPoint presentation, *Fraudulent LOMCs: Tips and Examples to Help Determine if an LOMC is Authentic*, has been added. This useful presentation includes several recent examples of altered LOMCs that have been detected by member companies, and gives guidance on how to spot the frauds.

The Association is always looking for ways to make NFDAflood.com better, and your ideas are critical to that end. Please feel free to forward any comments or suggested improvements to Greg Fisher at gfisher@firstam.com and Guy Smith at gsmith@mdasolutions.com.

The screenshot displays the NFDAflood.com website interface. At the top, there is a navigation bar with links for Home, Member Directory, About Us, and Contact. Below this is a main header with the NFDA logo and navigation tabs for CERTIFICATION, MEMBERSHIP, and EVENTS & ACTIVITIES. A banner image shows a group of professionals with the text "NATIONAL FLOOD DETERMINATION ASSOCIATION".

The main content area is divided into several sections:

- Members Only Menu:** A list of links including Home, NFDA Board, Annual Retreat/Conference, Technical Mapping News (with sub-links for Map Modernization, Report an Issue, and Search for Map Issues), Claims & Legal Info, and Logout.
- Technical Mapping News:** A section with a blue header containing text about the Association's support for FEMA's efforts to modernize the Flood Maps. It mentions a cooperative effort with FEMA and technical partners to provide a perspective on the map modernization program, with minutes and action items listed below.
- Resource Documents:** A list of downloadable documents, including "Fraudulent LOMC Examples (3 MB)".
- Meeting Presentations:** A list of presentation files, such as "Technical Mapping Meeting Presentation - Dec. 07 (11.5 MB)", "December 2007 NFDA Presentation", and "Digital Vision for NFDA".
- Meeting Minutes and Action Items:** A list of meeting minutes and action items, including "NFDA Meeting Minutes: 12-07", "NFDA Meeting Minutes: 8-2007", "NFDA Meeting Minutes: 12-2006", "NFDA Meeting Minutes: 07-2006", "NFDA Technical Mapping Meeting: 12-13-2005", "NFDA Technical Mapping Meeting: 03-16-2004", "NFDA/FEMA Action Items: 03-16-2004", "NFDA Technical Mapping Meeting: 03-05-2003", "NFDA/FEMA Action Items: 03-05-2003", "NFDA Technical Mapping Meeting: 06-24-2002", and "NFDA Technical Mapping Meeting: 02-19-2002".
- Search for Map Issues:** A search form with a blue header. It includes a text box for "Issue #:" and several dropdown menus for "State:", "County:", "Status:", "Error Type:", "Severity:", and "Priority:". There is also a "Date Range (Submitted):" field with calendar icons and a "Search" button.

Schedule of Upcoming Events

NFDA Strategic Planning Meeting for 2009

Description: Review of NFDA budget, needs and initiatives and plan Association efforts for the coming year.

Note: This is NOT a Board Meeting, but an opportunity for all members to contribute and shape the direction of the NFDA!

Date: **Wednesday, October 8, 2008**

Time: All Day session planned – 8am to 5pm (tentative)

Location: Sheraton Dallas Hotel, Dallas TX

More Info: email info@NFDAflood.com

NFDA Meeting with FEMA, the National Service Provider (NSP) and Map Service Center (MSC)

Description: Meeting that occurs twice-annually to foster understanding and better solutions for the use of FEMA's map products, subscription services and online tools. This is a valuable opportunity to share insight into challenges and suggestions for improvement to products and processes!

Date: TBD, but expected to be within the first two weeks of **December, 2008**

Time: 8:30am – 2:00pm

Location: Michael Baker Jr., Inc., office in Alexandria, VA

More Info: email info@NFDAflood.com

NFDA Annual Retreat and Conference

Description: NFDA's big annual event that offers presentations and open-forum discussions about numerous industry issues, including FEMA's map maintenance efforts, proposed legislation, recent case law, new regulations and issues affecting the industry and perspectives from top industry experts!

Dates: **April 5 – 7, 2009**

Location: Hilton Scottsdale Resort & Villas, Scottsdale, AZ

More Info: email info@NFDAflood.com

2009 National Flood Conference

Dates: **April 19-22, 2009**

Location: Hosted at the Sheraton Hotel, Boston, MA

More Info: Visit <http://www.fema.gov/business/nfip>



The National Flood Determination Association

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