

To:

Response to: Docket ID FEMA-2023-0015, OMB No. 1660-0040 (Standard Flood Hazard Determination Form)/ OMB Control Number: 1660-0040
Standard Flood Hazard Determination Form (SFHDF)

Regarding letter from: Cheryl Small, Executive Director
National Flood Association

From: FEMA/Resilience Office/Federal Insurance Directorate (National Flood Insurance Program)

As part of FEMA's administration of the National Flood Insurance Program under the National Flood Insurance Act of 1968, as amended, (NFIA), 42 U.S.C. 4001 et seq., FEMA identifies areas of special flood hazard which is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. See 42 U.S.C. 4101; 44 C.F.R. 59.1. As the commenter points out, Congress directed FEMA to develop a standard hazard determination form, known as the Standard Flood Hazard Determination Form (SFHDF) for Federal entities for lending regulation to use. 42 U.S.C. 4014b(a). Congress directed the Federal entities for lending regulation to require the use of the form by regulated lending institutions such as mortgage lenders, insurance companies, their servicer representatives, and others, to determine property location in relation to a Special Flood Hazard Area (SFHA). See 42 U.S.C. 4101b. The form is used to assist with demonstrating compliance with the Flood Disaster Protection Act of 1973, Public Law 93-234, which requires individuals, businesses and others buying, building or improving property located in identified areas of special flood hazards within participating communities to purchase flood insurance as a prerequisite for receiving any type of direct or indirect federal financial assistance (e.g., any loan, grant, guaranty, insurance, payment, subsidy or disaster assistance) when the building or personal property is the subject of or security for such assistance. 42 U.S.C. 4012a.

While FEMA maintains the form and makes it available on FEMA's website, www.fema.gov, FEMA does not use the form to collect information. As FEMA is not collecting data from the form, FEMA imposes no paperwork burden under the Paperwork Reduction Act (PRA). The responsibility for complying with the Paperwork Reduction Act's reporting on the burden associated with use of the form rests with the Federal agencies responsible for enforcing the mandatory purchase provisions of the Flood Disaster Protection Act of 1973 as to the lending entities they regulate. FEMA will still work with form users on necessary changes to the form in the future but is not making any material changes to the form now. The proposed change reflects that the SFHDF is a standard form known as a Common Form for use by the Federal entities who are responsible for collecting the information and are therefore the best Federal entities to report on the information they collect for purposes of PRA compliance regarding the SFHDF.