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Flood Insurance	Compliance
– Examiner	Insights
Outlook Live Webinar – N	November 19, 2025
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OUTLOOK_LIVE The Federal Beauver System's welfores were on consumer compliance topics.	The opinions expressed in this presentation are intended for informational purposes only, and are not formal opinions of, nor beforing on, the Reserve Earls or the Earls of Governors Othe Federal Reserve System.

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• Introduction and Overview • Discussion Topics: - Standard Flood Hazard Determination Form - Notice of Special Hazards - Flood Insurance Coverage - Private Flood Insurance - Loan Modifications - Force Placement - Third Party Risk Management

Overview

- The flood insurance regulations implement the National Flood Insurance Act (NFIA), as amended by the Flood Disaster Protection Act (FDPA).
- The regulations are promulgated by the Federal Reserve, Federal Deposit Insurance Corporation (FDIC), Farm Credit Administration (FCA), Office of the Comptroller of the Currency (OCC), and National Credit Union Administration (NCUA), and apply to financial institutions under their supervision.
 - Regulation H, 12 C.F.R. 208.25 (§ 208.25), is the Federal Reserve's FDPA implementing regulation for the institutions it supervises. Refer to each Agency's respective regulations: COC (12 C.F.R. Part 22), FDIC (12 C.F.R. Part 339), FCA (12 C.F.R. Part 614 Subpart S), NCUA (12 C.F.R. Part 760).

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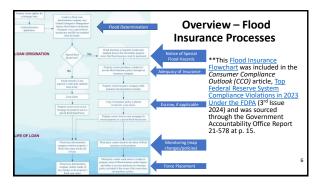
Overview (continued)

Flood Insurance Purchase Requirement (§ 208.25(c)(1))

- Flood insurance is required for the term of the loan on buildings or mobile homes, and any personal property, if:
 - The lender makes, increases, extends, or renews (MIRE or triggering event) any loan secured by improved real estate or a mobile home that is affixed to a permanent foundation;
 - The property securing the loan is located or will be located in a Special Flood Hazard Area (SFHA) as identified by the Federal Emergency Management Agency (FEMA); and
 - The community participates in the National Flood Insurance Program (NFIP).

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Standard Flood Hazard Determination Form Standard Flood Hazard Determination Form (SFHDF) (§ 208.25(f)(1)) The SFHDF is required when determining whether the building or mobile home securing a loan is or will be located in a SFHA in which flood insurance is available under the Act. According to Interagency Q&A <u>SFHDF 4</u>, lenders may rely on <u>their own</u> prior determinations when increasing, extending, or renewing* a loan if: - the prior determination was made within seven years of the date of the transaction, - the SFHDF reflects the basis of the determination, and FEMA has not revised or updated the map affecting the property since the original determination was made (FEMA Flood Map Service Center | Welcome!). *The "making" of a loan is not listed as a permissible event that permits the lender to rely on a previous determination.

Standard Flood Hazard Determination Form

(continued)

- Lenders must retain a copy of the completed SFHDF, in either hard copy or electronic form, for as long as they own the loan (§ 208.25(f)(2)).
- If using an electronic SFHDF, the format and layout may differ, but all the fields and elements listed on the form are still required. Lenders must be able to reproduce the electronic SFHDF upon request by their Federal supervisory agency (SFHDF 3).
- Lenders may provide a copy of the SFHDF to the customer, but the SFHDF does not fulfill the Notice requirements under the regulations (SFHDF 1).
- Examiner Insight: SFHDF violations have been cited for institutions not completing a SFHDF prior to loan origination and/or relying on a SFHDF that was older than seven years.

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Notice of Special Flood Hazards

- When a bank makes, increases, extends, or renews a loan secured by a building or mobile home located in a SFHA, the bank shall mail or deliver a written notice to the borrower and to the servicer in all cases whether or not flood insurance is available under the act.
 - Notice Contents The information required in the written notice is listed in \$_208_25(i)(1).

 Appendix A includes sample "Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance" (Notice), which may be sent to one borrower, if there are multiple borrowers (Notice 1).
 - Notice required even if NFIP is not available (Applicability 1).
 - Notice required even if NFIP is not available (<u>Applicability 1</u>).
 Notice Required for Triggering Events Notice is required for each triggering event where a loan is secured by improved real estate or a mobile home located (or to be located) in a SFHA even if relying on prior determination (Notice 5).
 Notice Timeliness Notice shall be provided "within a reasonable time before the completion of the transaction." What constitutes "reasonable" can vary with the circumstances; however, 10 days is considered reasonable (i.e., it acts as a safe harbor) (<u>Notice 2</u>).
 Record of Receipt Lender must maintain the record of receipt (e.g., signed acknowledgement) for as long as lender owns the loan (<u>Notice 5</u>).

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Common Notice Violations · Failing to Provide the Notice Illing to Provide the Notice Lenders were cited for failing to provide the required flood insurance notice under § 208.25(i). Examiners noted instances where the Notice was not consistently provided for triggering events. The Notice must be provided for each triggering event, even if the bank is relying on a prior determination. As a result, it is important to know when a loan restructure or modification is considered a triggering event. Another is a provided to the provided for the provided provided in the provided provided for the provided for triggering event under the figuration. Failing to Provide the Notice in a Timely Manner illing to Provide the Notice in a Timely Manner Lenders were clited for failing to provide the required notice in a reasonable time. Examiners noted delays in providing the notice at institutions with separate and/or decentralized processes for pulling determinations and sending the Notices. In these instances, examiners often could not determine when the Notice was mailed or provided. Examiners have also noted delays in providing the Notice where the institution calls the borrower to advise the borrower of the flood insurance requirement rather than send a Notice. In these instances, without a process to mail or deliver the Notice to the borrower, examiners will generally rely on the record of receipt (e.g., signed acknowledgement) to determine timeliness.

	Flood Insurance Coverage					
•	When flood insurance is required, the policy must be in place at the time of loan origination as detailed in § 208.25(c)[1] (Applicability 15). The "closing date" should be used for determining when flood insurance must be in place, which FEMA deems as when ownership transfers to the new owner based on State law: — Wet Funding – Document signing/transfer of title is on same day. — Dry Funding – Document signing/title transfer are on different days; "closing date" is date of property transfer.					
•	Required flood insurance must at least be equal to the lessor of the outstanding principal balance of the loan or the maximum amount of insurance available under the NFIP.					
	 The latter consists of two components to determine this value; the lessor of the maximum amount available for the type of structure or the insurable value of the property. 					

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Flood Limit Coverages · Determining the maximum amount of flood insurance available under the NFIP. Maximum Coverage Limits Under the NFIP Residential - NTP Develing Form (Amount 3 – examples of residential buildings) - Single-Earnly develings, two to-four family develings, and individually owned condo units – Deteched structure may be everified (Exemption 5). - Contents coverage (Chine Security Interest)? - Contents coverage (Chine Security Interest)? \$100,000 Residential condominium building (Condo and Co-Op 3) Contents coverage* Non-Residential - General Property Form (Amount 4 - example of non-residential buildings) Other Buildings (non-residential, mixed-use condo not eligible for RCBAP, and other-residential / multifamily) Contents coverage* Contents coverage only required if the building where contents are stored is also taken as collateral (Other Scoreage). \$500,000 OUTLOOK.

Insurable Value

- Determining insurable value for properties securing the loan can be done in a variety of ways including (<u>Amount 2</u>):
 - an appraisal on the cost value, not the market value;
 - a construction-cost calculation;
 - the insurable value used in a hazard insurance policy (recognizing that adjustments may be necessary, as this value does not include the value of the foundation); or
 - any other reasonable approach that is supportable.

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Calculating Coverage for a Residential Building Largely: A residential 1.4 family home secure a later, a residential house hoard in a \$510, and in a participating community with no additional standards, continues were not them as collected for the least. The least no standarding principal balance is \$525,000. The replacement cost value of the 1.4 family home is \$500,000 as determined by an apposal sulprage acrea approach. Structure Maximum Amount of NIP S150,000 S160,000 S160,000 Principal toan Outstanding Asswer: The minimum required amount of Bood insurance coverage is the outstanding principal balance of \$225,000. The lowest value between the loan's outstanding balance (\$225,000 and is the minimum amount of required flood insurance that should be obtained.

Calculating Coverage for Multiple Buildings Commercial Flood Insurance \$150,000 Compliance – Washing Away Common Pitfalls *@ 5500,000 5100,000 This CCO article contains eight examples that cover calculating coverage for multiple buildings, mixeduse properties, and contents coverage. OUTLOOK

/	that the restaurant and all equipment are	ant that contains commercial equipment. The taken as collateral. The outstanding princip 100,000 and the equipment is valued at \$50,0	al loan amount is \$650,000.		
Contents Coverage	Structure	Maximum Amount of NFIP	Insurable Value		
 When a loan is secured by a building and its contents, and the building is in a participating 	Building	₹200,000	\$700,000		
community, flood insurance coverage is required for both the building and the contents (Other Security Interests 7).	Contents	\$500,000	(\$1.00)		
The security instrument controls whether contents are	Aggregate Maximum NFIP Coverage Outstanding Loan Balance	\$550,000 (\$500,000 building +\$50,0 \$650,000	(00 contents)		
securing the loan (Other Security Interests 9).	Acreser: The maximum amount of insurance available under the NFP is the leaser of the NFP mas for the structure (SSD0,000) and the NCV of the sortcures (STD0,000), which has 500,000 plus the leave of the NFP mas for the owner is the NFP may for the sort of the NFP may for the owner is the leaver of the owner is				
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		by an apartment hubbling that contains a convenience store and 15 apartment onlts, s or more. The hubbling is in an \$1940 in a participating coversarily.	
Mixed-Use Properties • A property can be used for both residential and nonresidential purposes. Other residential		The principal learn activating is \$1,000,000. In the manufact state \$1,000,000. The care \$1,000. The care \$1,000.	
buildings that are not eligible for RCBAP coverage have maximum available coverage of	The Hirterum Required Amou	unt of Coverage is the Lesser of These 3 Volume: 53,000,000	
\$500,000 through the NFIP. • Amount 3 provides the NFIP	Maximum Amount Available Under the NFIP	(100.000) (reresoldoninkar, other residential ballding)	
definitions of a "single-family"	Insurable Value	\$1,500,000	
dwelling, a "2-4 family residential building," and an "other residential building."	deserr The United approach shalling to consistent or extended before because it is a revised one before a solicit the studies and montate to reconstruct the solicit possible of the shalling that the same. The solicities around of commany cases the deplicate fixed before the reconstruction of the shalling that the same. The solicities around of commany cases the deposition of the deposition of the shalling as \$10,000. The con- struction around a solicities along the confidence of the confidence of the solicities and solicities are a concentrations existential building solicities are of the content of contents. The above the solicities around a 3-oil a partners to believe and of the contents of contents or contents. The above the contents or contents of the description of the contents of the contents of the contents of the contents or contents or con- tents or contents of the c		
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Flood Insurance Coverage Violations Insurance Not in Place at Loan Closing (\$ 208.25(c)(1) and Applicability 15) A sound practice for ensuring flood insurance is in place at the time of loan closing include a precious review of the flood insurance coverage amount and type of insurance (NFIP or Non-NFIP). Understanding timing requirements as previously discussed (wet versus dry funding). Insufficient Coverage at Origination Sound practices for ensuring flood insurance amount at origination is sufficient include a precious review of the flood insurance coverage amount and timing, in addition, ensure the institution is determining the minimum amount of required flood insurance is accurate as a security of the flood insurance coverage amount and timing. In addition, ensure the institution is determining the minimum amount of required flood insurance is accurate as a security of the flood insurance coverage (total required coverage of \$15.5 million), would not be in compliance if there was an "Occurrence Limit" or a "Zone Aggregate Limit" of \$1.0 million, even if the overall policy is for \$2 million. **Patternamental the food and the minimum and the second and the minimum and the second and the minimum and the second and the secon

Flood Insurance Coverage Violations (continued) Failing to Obtain Insurance for All Buildings Each building located in a SFHA in a participating community that secures a loan must be insured (Amount 6). Failing to obtain insurance for contents coverage (personal property) Forgetting to account for contents coverage and/or using blanket security agreements that take, for example, all furniture, fixtures, and equipment as collateral. Banks should maintain appropriate oversight of security instruments and third parties, e.g., attorneys, responsible for drafting security instruments.

Flood Insurance Options Flood Insurance can be purchased in the following ways: The NFIP is managed by FEMA and provides policies to the public through a network of insurance companies and through NFIP Direct. Applicability 12 addresses the flood insurance requirements during an NFIP lapse in authorization (e.g., during a government shutdown). Non-NFIP flood insurance can also be purchased through private insurance companies or offered through a Mutual Aid Society. The Overview of Private Flood Insurance Compliance Requirements article produced by Consumer Compliance Outlook is a resource that can be used to understand a lenders mandatory and discretionary acceptance of private flood insurance and mutual aid policies.

Private Flood Insurance Mandatory Acceptance • Mandatory Acceptance (§ 208.25[c)(3)(i)) — A lender must accept "private flood insurance," as defined by regulation (§ 208.25[b)(9)), in satisfaction of the flood insurance purchase requirement if the policy meets the requirements for coverage (Mandatory 4). • Compliance Aid for Mandatory Acceptance (§ 208.25[c)(3)(ii)) — A lender may determine that a policy meets the definition of private flood insurance, without further review of the policy, if the following statement is included within the policy or as an endorsement to the policy (Mandatory 5): "This policy meets the definition of private flood insurance contained in 42 U.S.C. 4012(a)(7) and the corresponding regulation." — Note: A lender cannot reject a private policy solely because it is not accompanied by this statement (Mandatory 4).

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Private Flood Insurance Discretionary Acceptance

- Discretionary Acceptance (§ 208.25(c)[3](iii)) Lender may accept a flood insurance policy issued by a private insurer that is not issued under the NFIP and that does not meet the definition of private flood insurance in satisfaction of the flood insurance purchase requirement if the policy (Discretionary 1):

 Provides coverage in the amount required (Amount 1):

 Is issued by insurer that is licensed, admitted, or otherwise approved to engage in the business of insurance by the insurance regulator of the State or jurisdiction in which the property to be insured is located, or in the case of a policy of difference in conditions, multiple peri, all risk, or other blanket coverage insuring the insurance regulator or not disapproved by the insurance regulator or on disapproved by the insurance regulator of the State or jurisdiction where the property to be insured is located (Private Flood Compliance 9):

 Cover both lender(s) and horower(s) as isos pages, even when policy is provided by and premium is
- Covers both lender(s) and borrower(s) as loss payees, except when policy is provided by and premium is paid by a condo association, cooperative, HOA, or other applicable group as a common expense.
- Provides sufficient protection of the designated loan, consistent with general safety and soundness principles, and the lender documents its conclusion regarding sufficiency of protection in writing (Discretionary 2) and Discretionary 4).

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Private Flood Insurance Examiner Insights

- When lenders are accepting flood insurance, the lender should review the policy to identify if it is private flood insurance and determine if the policy qualifies under the mandatory or discretionary acceptance standards.
- If a flood insurance policy issued by a private insurer is accepted under the discretionary acceptance provisions, the lender's determination regarding the sufficiency of the protection of the loan must be documented in writing. See previous slide for discretionary acceptance considerations.
 - The current Interagency Flood Examination Procedures contains factors for evaluating private flood insurance policies (see pages 5-8, and 23).
- A lender cannot reject a private policy solely because it is not accompanied by the compliance aid statement.

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Flood Insurance at Loan Modification

- Loan modifications may trigger the flood insurance requirements (Applicability 6). Examples include:

 - Increasing the principal balance - Extending the loan maturity date
 - extending the load insurance premiums and fees into the outstanding principal balance, unless loan contract includes provision permitting the lender or servicer to advance funds to pay for flood insurance premiums (Force Placement 10).

 If a loan modification is a triggering event, the lender must comply with the regulation as applicable (Applicability 13), including:
- - Conducting a new flood hazard determination, unless a prior determination may be used
 Providing the Notice of Special Flood Hazards

 - Requiring flood insurance in the amount required
 Escrowing flood payments, if applicable.

Force Placement of Flood Insurance

- Force Placement of Flood Insurance (§ 208.25(g)) When a lender determines at any time during the term of a designated loan, that the building or mobile home and any personal property securing the designated loan is uninsured or underinsured, it must begin the force placement process (Force Placement 1).
- Borrower Notification (45-day Notice) The lender must send the force placement notice that advises that the borrower should obtain flood insurance, at the borrower's expense, in an amount at least equal to the amount required under § 208.25(c)(1).
 - Lender must send notice upon determining no or insufficient coverage (Force Placement 2).
 Notice sent prior to expiration does not satisfy notice requirement (Force Placement 4).

 - Renewing an existing force placed policy does not require notice to the customer (<u>Force Placement 14</u>).

Force Placement of Flood Insurance (continued)

- Force Placement of Insurance If borrower fails to obtain flood insurance w/in 45 days of notification, lender must force place flood insurance at that time
 - Lender may purchase insurance beginning on the date of the lapse (Force
 - Lender may charge borrower for premiums beginning on the date of the lapse (Force Placement 9).
 - However, lender may not require borrower to pay for double coverage (must refund premiums for overlapping coverage) (Force Placement 7).
 - Force Placement 10 addresses when capitalizing force placed premiums is a triggering event.

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Force Placement Examples									
Property Type	# of Units	RCV	Required Flood Coverage*	Current Flood Coverage	Forced Placed Insurance Needed?	Forced Placed Coverage Amount			
House	1	\$600,000	\$250,000	\$175,000	Yes	\$75,000			
Condo Unit	10	\$10,000,000	\$250,000/unit	\$2,500,000 (RCBAP Policy) = \$250,000 per unit	No	\$0			
Condo Unit	10	\$10,000,000	\$250,000/unit	\$1,000,000 (RCBAP Policy) = \$100,000 per unit	Yes	\$150,000			
*For the examples above, assume a principal balance of \$300,000 secured by the house or a condo unit.									

Force Placement of Insurance Issues

- Ineffective Monitoring for Life-of-Loan Coverage Although lenders are not explicitly required to monitor flood insurance over the life of the loan, monitoring continuous coverage of flood insurance helps to ensure that lenders complete the force placement of flood insurance in a timely manner upon lapse of a policy, that there is continuous coverage to protect both the borrower and the lender, and that lenders are promptly made aware of FEMA flood map changes [Force Placement 15].
- prompty make aware for intermediate process for Remapped Loans If a lender receives a notice of remapping that states that a property has been or will be remapped into a SFHA, the lender must determine whether the property securing the loans is covered by sufficient flood insurance coverage. Lenders are expected to follow the force placement procedures if it is made aware of loans that are remapped into a SFHA (Esree Placement 16).
- Temappeounts a STRA (<u>Force Placement 19)</u>. Falling to Ensure Adequacy of Flood Insurance at Renewal / During Life-of-Loan (e.g., failing to obtain renewal policies for all buildings or ensuring that each building/contents continues to be adequately insured).
- insureon, inadequate Evidence of Insurance Lenders should ensure that a dequate evidence of Insurance is obtained. Examiners have observed lenders accepting renewal notice as acceptable proof of love Lapse Not a Wolation Under Limited Circumstances. A lapse in coverage during the force placement process in ot a Tood Insurance regulatory violation if the lender walts to prove place insurance until 45 days after Not Insurance in the lender's notification to the borrower (Proce-Placement of 1).

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Force Placement Sound Practices

- · Banks should maintain appropriate oversight and processes surrounding force placement, including ensuring that appropriate notices are provided to customers.
- Appropriate monitoring for policy expirations helps ensure that notices are sent when policies expire and that the bank complies with the force placement provisions of the regulations.
- Banks should maintain appropriate oversight and processes to ensure they take appropriate action when becoming aware that properties securing their loans are mapped into or out of SFHAs.

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Third-Party Considerations

- Lenders often outsource essential functions of flood insurance responsibilities to third-party vendors, including for life-of-loan insurance and flood map monitoring, as well as force placement of flood insurance. It is important for banks to carefully manage their third-party
- Sound practices include:
 - Performing a risk assessment of the activity that will be outsourced to determine if the outsourcing is consistent with the business strategy of the organization.

 - Outsouting is consultant with the obsiness startegy of the organization. Conducting duligence to ensure that a qualified vendor is elected. Establishing performance expectations. Establishing performance expectations. If the observation of the organization of th

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Resources NFIP Flood Insurance Manual Interagency Q&As Regarding Flood Insurance (May 31, 2022) CCO Articles and Outlook Live (OL) Webinars — Compliance Violations Flood Disaster Protection Act (CCO, 3rd Issue 2024) — Overview of Private Flood Insurance Compliance Requirements (CCO, 1rd Issue 2024) — Commercial Flood Insurance Compliance (CCO, 2rd Issue 2022) — Vendor Management Considerations for Flood Insurance Requirements (CCO, 2rd Issue 2019) — 2022 Interagency Flood Insurance Regulation (OL, July 2022) — Interagency Flood Insurance Regulation Undate: Q&As (CCO, 1rd Issue 2016) — Interagency Flood Insurance Regulation Undate: Q&As (CCO, 1rd Issue 2016) — Interagency Flood Insurance Regulation Undate: Q&As (CCO, 1rd Issue 2016) — Interagency Flood Insurance Regulation Undate: Q&As (CCO, 1rd Issue 2016) — Interagency Flood Insurance Regulation Undate: Q&As (CCO, 1rd Issue 2016) — Interagency Flood Insurance Regulation Undate: Q&As (CCO, 1rd Issue 2015) — Flood Insurance Compliance Requirements (CCO, 3rd/4rd Issue 2015)



