

# Disaster Assistance When a Community is Not Participating in the National Flood Insurance Program

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This fact sheet provides information to individuals and communities on FEMA disaster assistance when a community is not participating in the National Flood Insurance Program (NFIP).

## Community Participation in the National Flood Insurance Program

- A community's participation in the National Flood Insurance Program (NFIP) is voluntary and communities must apply to participate.
- "Community" means any state or area or a political subdivision thereof, or any Indian Tribe or authorized tribal organization, or Alaska Native village or authorized native organization which has zoning and building code jurisdiction over a particular area having special flood hazards. Refer to Title 44 Code of Federal Regulations [59.1 – General Provisions Definitions](#) for more information.
- Applications generally consists of a completed copy of: [FEMA Form FF-206-FY-22-160](#); certified copies of legally enforceable floodplain management measures that meet or exceed the minimum NFIP requirements; and a Resolution of Intent, which is an assurance in the form of legally adopted measures, that all NFIP requirements will be adhered to, including requirements to adopt and enforce additional floodplain management measures whenever FEMA provides more comprehensive and detailed information on flood hazard areas.
- The NFIP provides flood insurance coverage only in those states and communities that adopt and enforce floodplain management measures that meet the minimum program requirements set by regulation. FEMA identifies Special Flood Hazard Areas (SFHAs) - the land area in the floodplain subject to a 1% or greater chance of flooding in any given year - on Flood Insurance Rate Maps (FIRMs).
- Newly identified communities that do not have a map will have one year after they are identified as flood prone (the FIRM effective date) to participate in the program, or sanctions apply. Sanctions also apply to communities participating in the National Flood Insurance Program that are suspended or withdraw from the program.
- Previously mapped, non-participating communities are given the opportunity to join the program by adopting the new or revised FIRM into a compliant ordinance and making application for the program by the FIRM effective date. Since these communities are non-participating, they are sanctioned communities if their previous map has



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been in effect for one year or more. Failure to adopt the revised FIRM panels by the effective date will result in the community remaining sanctioned.

- To determine if a community participates in the National Flood Insurance Program, visit [FEMA's Community Status Book](#).

## Federal Disaster Assistance Limitations

**Table 1: Assistance in Special Flood Hazard Areas**

	Eligible in Disasters Other than Flood	Eligible in Flood Disasters
Public Assistance – Emergency Work (A & B)	Yes	Yes
Public Assistance – Permanent Work (C - G)	Yes	Yes, except for projects that meet #4 above
Individual Assistance – Rental Assistance	Yes	Yes
Individual Assistance – Direct Temporary Housing Assistance, if approved	Yes	Yes
Individual Assistance – Other Needs Assistance	Yes	Yes
Individual Assistance – Real and Personal Property	Yes	Uninsurable damaged items only
Hazard Mitigation Grant Program	Yes	Yes

When a community is sanctioned under the National Flood Insurance Program, federal officers and agencies are prohibited from approving any financial assistance for acquisition or construction purposes in an area of special flood hazard in the community.<sup>1</sup>

- “Federal agency” means any department, agency, corporation, or other entity or instrumentality of the executive branch of the federal government, and includes the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;
- “Financial assistance” means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance, other than general or special revenue sharing or formula grants made to states;

<sup>1</sup> Title 42 United States Code 4106(a)

3. “Financial assistance for acquisition or construction purposes” means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance pursuant to the Disaster Relief and Emergency Assistance Act<sup>2</sup> (other than assistance under such Act in connection with a flood); for Public Assistance.<sup>3</sup>

## **Applying for Participation (or Reinstatement) within 6 Months of the Disaster Declaration**

Communities that are suspended, sanctioned, or withdraw from the National Flood Insurance Program can be reinstated into the program if they meet certain requirements. The minimum acceptable reinstatement package, for a community suspended under Title 44 Code of Federal Regulations Section 59.24(a) or a community that has withdrawn from the program, will be the application sheet, a certified copy of a Resolution of Intent or its equivalent, and adopted legally enforceable floodplain management ordinances.

In addition, a suspended or withdrawn community could have permitted actions to take place that aggravated existing floodplain hazards. If so, the community must also submit evidence that it has acted to remedy, to the maximum extent possible, the increased floodplain hazards.<sup>4</sup>

## **Application/Reinstatement Impacts on Federal Disaster Assistance Hazard Mitigation Grant Program (HMGP)**

Hazard Mitigation Grant Program and HMGP Post Fire subapplications for mitigation projects sited within a Special Flood Hazard Area are eligible only if the jurisdiction in which the project is located is participating in the program. There is no National Flood Insurance Program participation requirement for Hazard Mitigation Grant Program or HMGP Post Fire subapplications for mitigation projects located outside of the Special Flood Hazard Area. The applicant must be a participating community in the National Flood Insurance Program prior to application approval and obligation of funds.

## **Individual Assistance (IA)**

The individual or household may be eligible Real and Personal Property if the non-participating community in which the damaged property is located qualifies for and enters the NFIP during the 6-month period following the declaration.<sup>5</sup>

## **Public Assistance (PA)**

FEMA reduces Public Assistance funding for insurable facilities located in Special Flood Hazard Areas identified as a high-risk area for more than one year; damaged by flood; and uninsured for flood loss.

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<sup>2</sup> Title 42 United States Code 5121 et seq.

<sup>3</sup> All definitions in (1-4) Title 42 United States Code 4003(a)

<sup>4</sup> Title 44 Code of Federal Regulations Section 59.24(f)

<sup>5</sup> Title 44 Code of Federal Regulations 206.113(b)(7)

If the facility is not insured or underinsured for flood, FEMA reduces eligible projects by the maximum amount of insurance proceeds that could have been received from a standard flood insurance policy for the building and its contents, or the value of the building and contents at the time of the incident. FEMA does not apply this reduction to Private Nonprofit (PNP) facilities in communities that do not participate in the National Flood Insurance Program.

However, for FEMA to provide Public Assistance funding for the private nonprofit facility, the community must agree to participate in the National Flood Insurance Program within six months of the declaration. The private nonprofit must purchase the required flood insurance or must obtain and maintain flood insurance from another source.<sup>6</sup>

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<sup>6</sup> Title 44 Code of Federal Regulations Section 206.252(b)