



FEMA

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May 17, 2011

MEMORANDUM TO: Write Your Own (WYO) Principal Coordinators and the
National Flood Insurance Program (NFIP) Servicing Agent

Edward L. Connor

FROM: Edward L. Connor
Acting Federal Insurance and Mitigation Administrator

SUBJECT: Flood-In-Progress, SFIP, Section V (B).

This Bulletin provides guidance regarding the exclusion contained in the Standard Flood Insurance Policy (SFIP) Section V (B) (Dwelling Form, General Property Form, and Residential Condominium Building Association Policy). Section V (B) excludes from coverage a loss caused by a flood that is already in progress at the time and date the policy term begins or when coverage is added pursuant to the policyholder's request. The exclusion at Section V (B) specifically provides that:

B. We do not insure a loss directly or indirectly caused by a flood that is already in progress at the time and date:

- 1. The policy term begins; or***
- 2. Coverage is added at your request.***

Questions have been raised regarding what triggers the exclusion, and how to interpret the exclusion together with exceptions to the 30-day waiting period found at 44 C.F.R. § 61.11. The Section V (B) exclusion is triggered on the date and time of the flooding event as defined in the SFIP that causes the loss. Specifically, FEMA considers that Section V (B) is triggered by the earlier of the following situations:

- A. The community where the insured building is located first experiences a flood as defined in the SFIP, or
- B. The date and time of an event initiating a flood that causes damage, including but not limited to:
 - i) a spillway is opened,
 - ii) a levee is breached,
 - iii) water is released from a dam, or
 - iv) water escapes from the banks of a waterway (stream, river, creek, etc.).

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These situations are provided for illustrative purposes only and do not encompass all instances in which the Section V (B) exclusion is triggered. Individual losses will be evaluated on an individual basis.

The Section V (B) exclusion is not limited to individual property, city, county, or parish boundaries. FEMA will apply the Section V (B) exclusion regardless of individual property, city, county, or parish boundaries if causation of the flood is clear.

FEMA **does not** interpret the Section V (B) exclusion as being triggered only when floodwaters physically touch the insured building.

The applicability of the Section V (B) exclusion is separate from the applicability of the 30-day waiting period provisions found at 44 C.F.R. § 61.11. An insurance policy may be purchased without the 30-day waiting period, but that does not mean that Section V (B) of the Standard Flood Insurance Policy is inapplicable.

If you have any questions please contact James A. Sadler at James.Sadler@dhs.gov

cc: Vendors, IBHS, FIPNC, Government Technical Representative

Required Routing: All Departments

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