




FEMA

W-12004

February 3, 2012

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

FROM: 
David L. Miller
Associate Administrator
Federal Insurance and Mitigation Administration

SUBJECT: Notice of Limited Waiver of the Standard Flood Insurance Policy to
Extend the Time for Submitting Proofs of Loss in the States of New
York and Pennsylvania with Dates of Loss from September 5, 2011,
through September 22, 2011

The Standard Flood Insurance Policy (SFIP) requires a policyholder to send the insurer a complete, signed, and sworn-to proof of loss with the required supporting documentation within sixty (60) days after the date of loss. The proof of loss requirements are set forth in the SFIP in Section VII, Paragraph J.4 (Dwelling Form and the General Property Form) and Section VIII, Paragraph J.4 (Residential Condominium Building Association Policy Form).

New York and Pennsylvania experienced catastrophic flood losses as a result of flooding between September 5, 2011, and September 22, 2011. In many instances, access to NFIP-insured buildings was not possible due to damage to the infrastructure and high water. These conditions delayed the claims process for many NFIP policyholders.

To assist policyholders, FEMA issued NFIP Clearinghouse Bulletin W-11107, dated October 14, 2011. The bulletin provided a limited waiver of the policy 60-day requirement. Based on this limited waiver, a policyholder who incurred a flood loss on September 5, 2011, would have until January 3, 2012, to send the complete and fully executed proof of loss with the required supporting documentation to his or her insurer.

Because NFIP policyholders continue to encounter difficulties filing timely proofs of loss, FEMA is providing a second limited waiver of the 60-day time period and an additional extension of time for filing the proof of loss. The authority for this waiver is found in Paragraph D of the General Provisions section of each SFIP.

Pursuant to Paragraph D of the General Conditions section of the SFIPs, I hereby authorize an

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additional forty-five (45) day extension of the time period within which a policyholder must send the requisite signed and sworn-to proof of loss with supporting documentation to the NFIP insurer.

With this extension, an NFIP policyholder will have a total of 165 days after the date of loss to provide the completed, signed, and sworn-to proof of loss with supporting documentation to the insurer. This extension shall apply to all claims for flood damage occurring between September 5, 2011, and September 22, 2011, to NFIP-insured buildings and their insured contents only in New York and Pennsylvania. For example, under the SFIP, an NFIP policyholder who incurred a flood loss on September 5, 2011, was required to send the proof of loss with supporting documentation to the insurer by November 4, 2011. Now, that same policyholder will have until February 17, 2012, to send the required signed and sworn-to proof of loss and supporting documentation.

This limited waiver applies to SFIPs issued directly by FEMA or by private insurance companies participating in the NFIP's Write Your Own Program.

We expect that this additional extension of forty-five (45) days will enable affected policyholders to present their claims. FEMA will continue to monitor claims activity to determine whether any further extension may be warranted.

By granting this waiver and extension of the time period to submit a proof of loss with supporting documentation, FEMA does not hereby waive any other provision of the SFIP, and all other terms and conditions of the SFIP remain in effect. For example, a loss that was determined not to be payable because of the "Flood in Progress" exclusion in Section V, Paragraph B of the SFIP is not affected by the granting of this waiver and extension of time to submit a proof of loss.

We ask for your full support. Any questions or comments regarding this extension should be directed to James A. Sadler, CPCU, AIC, Director of Claims, National Flood Insurance Program. Mr. Sadler may be reached by email at James.Sadler@dhs.gov.

cc: Vendors, IBHS, FIPNC, Government Technical Representative

Required Routing: Claims, Underwriting