

Letter of Map Amendment (LOMA) and Letter of Map Revision (LOMR)

This explains the policy of the Federal Emergency Management Agency (FEMA) for determinations of whether or not a structure or proposed structure is in a Special Flood Hazard Area (SFHA) shown on a Flood Insurance Rate Map (FIRM).

Letter of Map Amendment (LOMA)

A Letter of Map Amendment (LOMA) is issued by FEMA to correct errors in a FIRM. In order for FEMA to issue a LOMA, a property owner should submit documentation as described below. Issuance of a LOMA will result in removal of the property from the SFHA, thus removing the federal mandatory flood insurance purchase requirement. Be advised that a LENDER may still require flood insurance purchase as a condition of the loan.

1. Requirement to Submit Technical Data:

All requests for a LOMA must be supported by technical or scientific data to demonstrate that the property is not subject to inundation by the base flood. The lowest grade adjacent to the structure must be at or above the base flood elevation. The following documentation should be submitted to aid FEMA in processing each LOMA request.

- a. A copy of the recorded deed or recorded plat, showing the legal description of the property, official record information (deed or plat book volume and page number) and the seal of the Recorder of Deeds. If the property is not recorded on a plat map, actual copies of the deed or tax map are required.
- b. A topographical map, certified by a licensed professional engineer or land surveyor, indicating structure locations, ground elevations, and the elevation of the lowest finished grade adjacent to the structure.

For new construction, a clear distinction must be made between existing and proposed elevations, and after completion all finished grades and elevations must be certified as-built.

Data to substantiate the base flood elevation (100-year elevation) should be provided from a FEMA FIS, the U.S. Army Corps of Engineers, U.S. Geological Survey, Soil Conservation Service, or other federal agency, state or local agencies, or from technical data prepared by a licensed engineer.

A signed copy of the statement asserting the accuracy of the information submitted (form entitled Request for LOMA).

- c. Additional data may be required for FEMA to make a determination. This may consist of certifications by licensed engineers or land surveyors as to the type of

structure, how it is elevated, hydraulic calculations on the flooding conditions, and development plans indicating the dates and extent of fill placement.

2. Criteria for Removing Floodplain Designation and Waiving Flood

Insurance Purchase Requirement:

Structures located on natural (non-fill) high ground can be removed from the SFHA if the lowest adjacent grade elevation is above the BFE and, therefore, should not have been included in the SFHA.

a. Floodways

A LOMA will not be issued if a structure is located within an officially designated regulatory floodway.

b. Elevated Structures

Buildings which have the lowest floor elevated on posts, piers or pilings above the base flood level in the SFHA will not be removed from the SFHA if any portion of the structure (i.e., posts or piers) is still in the SFHA.

c. Sheet Flow Areas

In areas of sheet flow flooding where the water depth ranges from 1 foot to 3 feet, LOMAs can be issued only if it can be shown that the structure has been elevated with the lowest adjacent grade and lowest floor (including basement) above the sheet flow level.

d. Levees

LOMAs will only be issued for structures protected by levees if the levee meets FEMA criteria for providing adequate protection against a 100-year flood. FEMA follows the guidelines established by the U.S. Army Corps of Engineers in their manual entitled "Design and Construction of Levees" dated March 31, 1978 (EM 1110-2-1913).

3. FEMA Evaluation and Response:

Upon receipt and evaluation of the required data by FEMA, the applicant will be notified of their findings. If the evidence indicates a change in the FEMA map is needed, a LOMA will be issued. The time required for FEMA to review requests for a LOMA depends upon the quality and completeness of the data submitted. Requests are usually evaluated within four to eight weeks of the receipt of the required data.

4. Refund of Insurance Premium After Issuance of LOMA:

Property owners are required to purchase flood insurance if they seek federal or federally-related financial assistance on a structure located in a designated SFHA. Persons seeking a LOMA should check with the lending institution which imposed the flood insurance requirement to assure that they will honor a LOMA. Even though FEMA may issue a LOMA removing a property from the SFHA, it is the lending institution's prerogative to still require flood insurance if they deem such action appropriate. If, however, the lending institution accepts the LOMA and agrees to waive the flood insurance purchase requirement, the property owner is eligible for a full refund of the premium paid for the current policy year provided that no claim is pending or has been paid on the policy in question during the same policy year. For processing of the refund, the property owner need only provide the LOMA and evidence of the waiver of the flood

insurance requirement from the lending institution to the agent or broker who sold the policy. The property owner may also wish to have the LOMA recorded with the deed.

5. Obtaining prior to construction:

If building site on a parcel of land is naturally higher than the base flood elevation, it is highly recommended that the LOMA be obtained prior to starting construction. If construction is completed before the LOMA is obtained, the flood insurance rates will be based on lowest floor, such as a basement. If basement floor happens to be below the 100-year flood elevation, the owner may be required flood insurance at a very high rate.

Letter of Map Revision Based on Fill (LOMR-F)

A LOMR-F is a letter from FEMA stating that an existing structure or parcel of land has been elevated by fill and would not be inundated by the base flood.

Requirement to Submit Technical Data:

All requests for a LOMR-F must be supported by technical or scientific data to demonstrate that the property is not subject to inundation by the base flood. The lowest grade adjacent to the structure and the lowest floor elevation must be at or above the base flood elevation. The information needed for a LOMR-F includes:

- a. A copy of the recorded deed or recorded plat, showing the legal description of the property, official record information (deed or plat book volume and page number) and the seal of the Recorder of Deeds. If the property is not recorded on a plat map, actual copies of the deed or tax map are required.
- b. A photocopy of the effective FIRM panel, annotated to show where the property is located. If the request involves multiple lots, the locations of the lots or structures must be certified by a licensed land surveyor or a professional engineer.
- c. A topographical map, certified by a licensed professional engineer or land surveyor, indicating structure locations, ground elevations, and the elevation of the lowest finished grade adjacent to the structure.
- d. A metes and bounds description must be submitted for requests that involve removal of only a portion of an entire property from the SFHA.
- e. Community acknowledgement form (MT-1 Form 4). The community official responsible for floodplain management must sign this form stating the existing or proposed structures are "reasonably safe from flooding". To assist the community in determining if a property is reasonably safe from flooding, the FEMA has published Technical Bulletin 10-01. This bulletin is available on the FEMA website <http://www.fema.gov/mit/tb1001.pdf>, or by calling 1-877-336-2627.
- f. Letter of no objection or permit from the Michigan Department of Environmental Quality, Geologic and Land Management Division.
- g. Additional data may be required for FEMA to make a determination. This may consist of certifications by licensed engineers or land surveyors as to the type of

structure, how it is elevated, hydraulic calculations on the flooding conditions, and development plans indicating the dates and extent of fill placement.

Structures that have been elevated out of the floodplain by the placement of fill, after the first map was issued, must have both lowest floor (including basement) and lowest adjacent grade elevations at or above the BFE to be removed.

Conditional Letter of Map Revision Based on Fill (CLOMR-F)

A CLOMR-F is issued by the FEMA when it is demonstrated that a proposal will result in the lowest ground elevation next to a structure (or on the parcel, if a structure is not being proposed), and lowest floor elevation of the structure will be built above the base flood elevation. **The CLOMR-F does not change the map**; it only is FEMA's opinion that if the structure is built as proposed, it will be removed from the SFHA. As-built information will be needed to be supplied to the FEMA that demonstrates the project has been built as proposed, before the FIRM will be officially revised. The information needed for a CLOMR-F is the same as a LOMR, except a CLOMR-F application is based on proposed conditions.

Forms and Fees Required for Various Map Changes

<u>Case</u>	<u>Procedure</u>	<u>Form</u>	<u>Fee</u>
Error in map	LOMA	MT-EZ for single lots MT-1 for multiple lots	\$ 0 \$ 0
Fill placed to elevate structure (not in floodway)	LOMR-F	MT-1	\$425 (single lot) \$800 (multiple lot)
Proposed fill in floodplain (not floodway)	CLOMR-F	MT-1	\$500 (single lot) \$800 (multiple lot)
Floodway Revision Flood elevation Revision	LOMR	MT-2	\$4200 *

* Fee is dependant on proposed change. The \$ 4200 fee is for a LOMR based on new bridges, culverts, or channel alterations. See FEMA's Website at www.fema.gov/mit/tsd/frm_fees.htm for fees

The MT-EZ, MT-1 and MT-2 forms are available from the MDEQ District Floodplain Engineers, the MDEQ NFIP Coordinator, and the FEMA Regional Office in Chicago, telephone number 312-408-5500. The forms are also available on the FEMA homepage at http://www.fema.gov/mit/tsd/en_main.htm

If there are questions on the map change process, please call the FEMA toll free number at 1-877-336-2627.