

(7) Include the location of individual structures;

(8) Include an estimate of the current replacement costs of such structures and their contents, or of their current economic value; and

(9) Include an estimate of the anticipated annual loss due to flood damage.

(6) Provide the flood loss experience for State-owned structures and their contents based upon incurred losses for a period of not less than the 5 years immediately preceding application for exemption, and certify that such historical information shall be maintained and updated.

(5) Provide for the maintaining and updating by a designated State official or agency not less frequently than annually of an inventory of all State-owned structures and their contents within A, AO, AH, AI-30, AE, AR, AR/AH, AR/AE, AR/AO, AR/VA, AR/V, VO, VI-30, VE, and E zones.

(4) Provide for the maintaining and updating by a designated State official or agency not less frequently than annually of an inventory of all State-owned structures and their contents within A, AO, AH, AI-30, AE, AR, AR/AH, AR/AE, AR/AO, AR/VA, AR/V, VO, VI-30, VE, and E zones.

(3) Provide for the maintaining and updating by a designated State official or agency not less frequently than annually of an inventory of all State-owned structures and their contents within A, AO, AH, AI-30, AE, AR, AR/AH, AR/AE, AR/AO, AR/VA, AR/V, VO, VI-30, VE, and E zones.

(2) Provide for the maintaining and updating by a designated State official or agency not less frequently than annually of an inventory of all State-owned structures and their contents within A, AO, AH, AI-30, AE, AR, AR/AH, AR/AE, AR/AO, AR/VA, AR/V, VO, VI-30, VE, and E zones.

(1) Provide for the maintaining and updating by a designated State official or agency not less frequently than annually of an inventory of all State-owned structures and their contents within A, AO, AH, AI-30, AE, AR, AR/AH, AR/AE, AR/AO, AR/VA, AR/V, VO, VI-30, VE, and E zones.

(7) Include, pursuant to § 60.12 of this subchapter, a certified copy of the flood plain management regulations setting forth standards for State-owned properties within A, AO, AH, AI-30, AE, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/VA, AR/V, VO, VI-30, VE, and E Zones.

(b) The Administrator shall determine the adequacy of the insurance provisions whether they be based on available funds, an enforceable commitment of funds, commercial insurance, or some combination thereof, but has discretion to waive specific requirements under this part.

[41 FR 46991, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44544, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 49 FR 5621, Feb. 14, 1984; 50 FR 36029, Sept. 4, 1985; 59 FR 53601, Oct. 25, 1994]

§ 75.12 Application by a State for exemption.

Application for exemption made pursuant to this part shall be made by the Governor or other duly authorized official of the State accompanied by sufficient supporting documentation which certifies that the plan of self-insurance upon which the application for exemption is based meets or exceeds the standards set forth in § 75.11.

(a) The Administrator may return the application for exemption upon finding it incomplete, or upon finding that additional information is required in order to make a determination as to the adequacy of the self-insurance plan.

(b) Upon determining that the State's plan of self-insurance is inadequate, the Administrator shall in writing reject the application for exemption and shall state in what respects the plan fails to comply with the standards set forth in § 75.11 of this subpart.

(c) Upon determining that the State's plan of self-insurance equals or exceeds the standards set forth in § 75.11 of this subpart, the Director shall certify that the State is exempt from the requirement for the purchase of flood insurance for State-owned structures and their contents located or to be located in areas identified by the Director as

(a) The Administrator may return the application for exemption upon finding it incomplete, or upon finding that additional information is required in order to make a determination as to the adequacy of the self-insurance plan.

(b) Upon determining that the State's plan of self-insurance is inadequate, the Administrator shall in writing reject the application for exemption and shall state in what respects the plan fails to comply with the standards set forth in § 75.11 of this subpart.

(c) Upon determining that the State's plan of self-insurance equals or exceeds the standards set forth in § 75.11 of this subpart, the Director shall certify that the State is exempt from the requirement for the purchase of flood insurance for State-owned structures and their contents located or to be located in areas identified by the Director as

GENERAL PROVISIONS

§ 77.1 Definitions

(a) Definitions found in § 59.1 of this subchapter are applicable to this section.

(b) Furthermore, the following definitions are established:

Damaged, substantially beyond repair means where (a) damages to the improved real property are such that as a condition of repair as imposed by a State or local government, the structure must be elevated or floodproofed to or above the 100-year flood elevation, or (b) damages to the improved real property equals or exceed 50 percent of the structure's fair market or actual cash value, whichever is less, or (c) where damages to the improved real property are such that repair is physically impossible or infeasible.

Flood risk area See definition for Special Hazard Area in § 59.1, or other area subject to flooding as determined by the Administrator.

Significantly increased construction cost occurs when a specific State or local statute, ordinance, or code requires that improvements be made to a structure as a condition of the repair of damages sustained, such that the actual cost of repair would be greater by 25 percent than the cost which would be required for repair of the damages only.

Sound land management and use The process wherein the governmental body responsible for land use regulation in a political jurisdiction plans and regulates the use of land within its jurisdiction in order to promote the reduction of property exposure to flood hazard and the protection of environmental values of flood plains. Sound use of land acquired by FEMA and transferred to local governments pursuant to section 1362 of Public Law 95-128 is use for primarily open space and recreational purposes to minimize potential for any future flood damage, with a general prohibition of enclosed structures unless functionally dependent for some recreational or open space use. The criteria set forth in paragraphs (d)(1) through (4) of § 77.2 and restrictions to be placed in deeds used to convey title to real property from the Federal Government to local governments will set

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§ 75.14 States exempt under this part.

The following States have submitted applications and adequate supporting documentation and have been determined by the Administrator to be exempt from the requirement of flood insurance on State-owned structures and their contents because they have in effect adequate State plans of self-insurance: Florida, Georgia, Iowa, Kentucky, Maine, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, and Vermont.

[48 FR 44544, Sept. 29, 1983, as amended at 57 FR 13542, May 7, 1992]

PART 76 [RESERVED]

PART 77—ACQUISITION OF FLOOD DAMAGED STRUCTURES

General Provisions

Sec. 77.1 Definitions.

77.2 Criteria for acquisition.

AUTHORITY: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978; E.O. 12148.

75.2 Definitions.
75.3 Burden of proof.

§ 75.10 Applicability.

A State shall be exempt from the requirement to purchase flood insurance in respect to State-owned structures and, where applicable, their contents located or to be located in areas identified by the Director as A, AO, AH, AI, AE, AR, AR/AH, AR/AI, AR/AE, AR/VE, and E Zones, and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, provided that the State has established a plan of self-insurance determined by the Director to equal or exceed the standards set forth in this subpart.

Subpart A—General

§ 75.1 Purpose of part.

The purpose of this part is to establish standards with respect to the Director's determinations that a State's plan of self-insurance is adequate and satisfactory for the purposes of exempting such State, under the provisions of section 102(c) of the Act, from the requirement of purchasing flood insurance coverage for State-owned structures and their contents in areas identified by the Director as A, AO, AH, AI, AE, AR, AR/AI, AR/AE, AR/VE, and E Zones, in which the sale of insurance has been made available, and to establish the procedures by which a State may request exemption under section 102(c) of the Act.

§ 75.2 Definitions.

The definitions set forth in part 69 of this subchapter are applicable to this part.

§ 75.3 Burden of proof.

In any application made by a State to the Administrator for certification of its self-insurance plan, the burden of proof shall rest upon the State making application to establish that its plan of self-insurance is adequate and equals or exceeds the standards provided in this part.

75.10 Applicability.
75.11 Standards.
75.12 Application by a State for exemption.
75.13 Review by the Director.
75.14 States exempt under this part.

Subpart B—Standards for Exemption

A State shall be exempt from the requirement to purchase flood insurance in respect to State-owned structures and, where applicable, their contents located or to be located in areas identified by the Director as A, AO, AH, AI, AE, AR, AR/AI, AR/AE, AR/VE, and E Zones, and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, provided that the State has established a plan of self-insurance determined by the Director to equal or exceed the standards set forth in this subpart.

Subpart A—General

§ 75.1 Purpose of part.

The purpose of this part is to establish standards with respect to the Director's determinations that a State's plan of self-insurance is adequate and satisfactory for the purposes of exempting such State, under the provisions of section 102(c) of the Act, from the requirement of purchasing flood insurance coverage for State-owned structures and their contents in areas identified by the Director as A, AO, AH, AI, AE, AR, AR/AI, AR/AE, AR/VE, and E Zones, in which the sale of insurance has been made available, and to establish the procedures by which a State may request exemption under section 102(c) of the Act.

§ 75.2 Definitions.

The definitions set forth in part 69 of this subchapter are applicable to this part.

§ 75.3 Burden of proof.

In any application made by a State to the Administrator for certification of its self-insurance plan, the burden of proof shall rest upon the State making application to establish that its plan of self-insurance is adequate and equals or exceeds the standards provided in this part.