

the appropriate State agency to promote public acceptance and use of effective flood plain, mudslide, (i.e., mudflow) and flood-related erosion regulations;

(c) A community should notify adjacent communities prior to substantial commercial developments and large subdivisions to be undertaken in areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards.

## PART 61—INSURANCE COVERAGE AND RATES

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APPENDIX A(6) TO PART 61—FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, STANDARD FLOOD INSURANCE POLICY

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CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

SOURCE: 43 FR 2570, Jan. 17, 1978, unless otherwise noted. Redesignated at 44 FR 31177, May 31, 1979.

### § 61.1 Purpose of part.

This part describes the types of properties eligible for flood insurance coverage under the Program, the limits of such coverage, and the premium rates actually to be paid by insureds. The specific communities eligible for coverage are designated by the Federal Insurance Administrator from time to time as applications are approved under the emergency program and as ratemaking studies of communities are completed prior to the regular program. Lists of such communities are periodically published under part 64 of this subchapter.

[43 FR 2570, Jan. 17, 1978. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 39068, Aug. 29, 1983; 49 FR 4751, Feb. 8, 1984; 49 FR 5621, Feb. 14, 1984]

### § 61.2 Definitions.

The definitions set forth in part 59 of this subchapter are applicable to this part.

### § 61.3 Types of coverage.

Insurance coverage under the Program is available for structures and their contents. Coverage for each may be purchased separately.

[43 FR 2570, Jan. 17, 1978. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 39068, Aug. 29, 1983; 50 FR 36025, Sept. 4, 1985; 51 FR 30309, Aug. 25, 1986; 58 FR 62424, Nov. 26, 1993]

### § 61.4 Limitations on coverage.

All flood insurance made available under the Program is subject:

(a) To the Act, the Amendments thereto, and the Regulations issued under the Act;

(b) To the terms and conditions of the Standard Flood Insurance Policy, which shall be promulgated by the Federal Insurance Administrator for substance and form, and which is subject to interpretation by the Federal Insurance Administrator as to scope of coverage pursuant to the applicable statutes and regulations;

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(c) To the specified limits of coverage set forth in the Application and Declarations page of the policy; and

(d) To the maximum limits of coverage set forth in §61.6.

[43 FR 2570, Jan. 17, 1978. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 39068, Aug. 29, 1983; 50 FR 36025, Sept. 4, 1985; 53 FR 16277, May 6, 1988; 58 FR 62424, Nov. 26, 1993]

### §61.5 Special terms and conditions.

(a) No new flood insurance or renewal of flood insurance policies shall be written for properties declared by a duly constituted State or local zoning or other authority to be in violation of any flood plain, mudslide (i.e., mud-flow) or flood-related erosion area management or control law, regulation, or ordinance.

(b) In order to reduce the administrative costs of the Program, of which the Federal Government pays a major share, payment of the full policyholder premium must be made at the time of application.

(c) Because of the seasonal nature of flooding, refunds of premiums upon cancellation of coverage by the insured are permitted only if the insurer ceases to have an ownership interest in the covered property at the location described in the policy. Refunds of premiums for any other reason are subject to the conditions set forth in §62.5 of this subchapter.

(d) Optional Deductibles, All Zones, are available as follows:

#### CATEGORY ONE—1 TO 4 FAMILY BUILDING AND CONTENTS COVERAGE POLICIES

| Options | Building/contents |
|---------|-------------------|
|         | \$500/\$500       |
|         | 1,000/1,000       |
|         | 2,000/1,000       |
|         | 3,000/1,000       |
|         | 4,000/2,000       |
|         | 5,000/2,000       |

#### CATEGORY TWO—1 TO 4 FAMILY BUILDING COVERAGE ONLY OR CONTENTS COVERAGE ONLY POLICIES

| Options | Building | Contents <sup>1</sup> |
|---------|----------|-----------------------|
|         | \$500    | \$500                 |
|         | 1,000    | 1,000                 |
|         | 2,000    | 2,000                 |
|         | 3,000    | 3,000                 |
|         | 4,000    | 4,000                 |

#### CATEGORY TWO—1 TO 4 FAMILY BUILDING COVERAGE ONLY OR CONTENTS COVERAGE ONLY POLICIES—Continued

| Options | Building | Contents <sup>1</sup> |
|---------|----------|-----------------------|
|         | 5,000    | 5,000                 |

<sup>1</sup> Also applies to residential unit contents in other residential building or in multi-unit condominium building.

#### CATEGORY THREE—OTHER RESIDENTIAL AND NONRESIDENTIAL POLICIES

| Options | Policy combining building and contents | Single coverage only policy (either building or contents) |
|---------|--|---|
|         | \$500/\$500                            | \$500   |
|         | 1,000/1,000                            | 1,000   |
|         | 2,000/2,000                            | 2,000   |
|         | 3,000/3,000                            | 3,000   |
|         | 4,000/4,000                            | 4,000   |
|         | 5,000/5,000                            | 5,000   |

#### CATEGORY FOUR—RESIDENTIAL CONDOMINIUM BUILDING POLICIES

| Options | Policy combining building and contents | Single coverage only policy (either building or contents) |
|---------|--|---|
|         | \$10,000/\$10,000                      | \$10,000  |
|         | 25,000/10,000                          | 25,000  |

NOTE: Any other combination may be submitted for rating to the NFIP.

(e) The standard flood insurance policy is authorized only under terms and conditions established by Federal statute, the program's regulations, the Administrator's interpretations and the express terms of the policy itself. Accordingly, representations regarding the extent and scope of coverage which are not consistent with the National Flood Insurance Act of 1968, as amended, or the Program's regulations, are void, and the duly licensed property or casualty agent acts for the insured and does not act as agent for the Federal Government, the Federal Emergency Management Agency, or the servicing agent.

[43 FR 2570, Jan. 17, 1978. Redesignated at 44 FR 31177, May 31, 1979, as amended at 47 FR 19140, May 4, 1982; 48 FR 39068, Aug. 29, 1983; 49 FR 33656, Aug. 23, 1984; 50 FR 36025, Sept. 4, 1985; 51 FR 30309, Aug. 25, 1986; 53 FR 16277, May 6, 1988; 53 FR 27991, July 26, 1988; 57 FR 19541, May 7, 1992; 58 FR 62424, Nov. 26, 1993]