

National Violation Tracker and CRS Discount Exclusions

Background

The National Flood Insurance Program (NFIP), administered by FEMA, is a voluntary program that makes flood insurance available in communities that adopt and enforce minimum floodplain management regulations promulgated by FEMA. To ensure compliance with the NFIP's minimum floodplain management regulations, FEMA conducts periodic reviews of a community's floodplain management programs through Community Assistance Visits (CAVs), Community Assistance Contacts (CAC), and other compliance interactions. The results of these compliance interactions are entered into the Community Information System (CIS), FEMA's system of record for its floodplain management compliance activities. The NFIP, however, learns of floodplain management violations in other ways, such as through NFIP underwriting or claims processes; issuance of a Letter of Map Change (LOMC); and elevation certificate (EC) recertification reviews in Community Rating System (CRS) communities. Compliance information and violations, however, were not uniformly stored in one system, and each FEMA Region had its own system of identifying floodplain violations. As a result, FEMA recognized the need for a better way to record and maintain accurate and consistent lists of floodplain management (FPM) violations.

Purpose

FEMA developed the National Violation Tracker (NVT) module of CIS to be a standardized, centralized location for the documentation and tracking of known FPM violations. FEMA uses the NVT to document confirmed and potential violations (PV), both structural and non-structural, based on technical data. The NVT is not meant to replace CAVs, CACs or compliance audits to identify the violations themselves, but serves as a single, unified repository for tracking FPM PVs. As the NVT evolves, it will be integrated with other CIS modules and any new compliance audit system to be a single source for tracking all FPM violations without duplicating effort.

Use of the NVT and its capabilities provides several benefits to floodplain management stakeholders across the country. The NVT consolidates the patchwork of different violation tracking systems used by the states and FEMA regions into a single module of CIS. It is easy to view, enter and edit the violations data. Violations can be entered as single entries or users can work with FEMA staff to upload violations in batches.

The NVT provides a central location and standardized format for consistent information regarding violations nationwide. It allows for easy access to the data, sortable by community, county, state or FEMA region, and users can create reports of all FPM violations in a selected geographical area (e.g., state, FEMA region). The NVT provides visibility on the FEMA regions' and states' compliance workload, and documents staff accomplishments by tracking violation resolution. Finally, the NVT interfaces with Pivot, the NFIP's system of record, to exclude properties with low-floor violations from receiving a Community Rating System (CRS) discount on their flood insurance policies.



FEMA

NVT Data Sources

Data in the NVT comes primarily from four sources.

- An inventory of all policies previously rated “minus” under the legacy rating system: Post-Flood Insurance Rate Map (FIRM) minus-rated policies listed in Pivot as of September 30, 2021, for both CRS and non-CRS communities, are included in the NVT. For the minus-rated policy data, buildings in A/V zones with only elevators below the BFE and all other machinery and equipment above the BFE were not included in the NVT.
- PVs identified during LOMC application reviews: The data in the NVT includes historic and ongoing PVs identified by FEMA's contractors during the review of LOMC requests, and approved by FEMA HQ Floodplain Management Division (FPMD) prior to issuance of PV memos.
- Contractor-developed CRS annual EC recertification reviews: The NVT includes PVs identified based on submitted EC data during CRS annual EC reviews.
- Regional Floodplain Management and Insurance Branch and state NFIP compliance work, including CAVs/CACs, General Technical Assistance and other engagements: The NVT includes existing violation data from several regions that provided their historic CAV/CAC findings.

The NVT is being updated by State NFIP Coordinator staff, FEMA Regions, and FPMD. FEMA Regions and State NFIP Coordinators are specifically responsible for entering new violations identified through their CAVs/CACs. Violations from CAVs/CACs are identified by the regions and states based on technical backup data; if there is no data in the CAV/CAC finding to support a violation, it is not entered into the NVT.

FEMA HQ is responsible for adding violation data from the LOMC and CRS data sources. These two data sources will be periodically refreshed with new violations and potential violations.

Regions and State NFIP Coordinators are responsible for editing information for all existing violations in the NVT to indicate whether a property's violation has been mitigated. A building's floodplain management violation status can be updated if a property owner cures the violation or provides sufficient documentation demonstrating the building is in compliance with floodplain management requirements.

CRS Discount Exclusion List

A building that is out of compliance with either the minimum requirements of 44 CFR 60.3 or the community's floodplain management regulations is not eligible for the CRS discount until the violation(s) is resolved. A property identified with a low-floor violation in the NVT will also be added to the CRS Discount Exclusion list. While the NVT tracks most types of violations, only low floor violations are supplied to the Federal Insurance Directorate for inclusion in the CRS Discount Exclusion List. A policyholder may learn the covered property is ineligible for a CRS discount by reading the declarations page of their NFIP Standard Flood Insurance Policy.

Community Rating System Discount

For more information on the CRS Program and Discount, visit www.fema.gov/floodplain-management/community-rating-system.

A policyholder can request a change to their CRS discount eligibility status by contacting their community Floodplain Administrator (FPA) to determine the appropriate documentation required to show compliance.

Reviewing Information for Compliance

As they are made aware of the violation entry in the NVT, the FPA should review the information about the violation. The FPA may contact their State NFIP Coordinator and/or FEMA Regional Floodplain Management and Insurance contact if assistance is needed. The FPA will compare the information provided by FEMA to the community's

floodplain development records to determine if the violation is based on current information. The FPA should visit the property and ensure that all development is reflected in the community's property/permitting file. Upon review of the documentation and a determination that the building is compliant with the floodplain management standards, the community FPA contacts their State NFIP Coordinator or FEMA regional office to update the violation status in the NVT and remove the property from the CRS Discount Exclusion list. Once the State NFIP Coordinator concurs the violation was resolved through the submission of current compliance documentation, the State NFIP Coordinator will update FEMA's NVT to show the violation as mitigated and enter the CRS discount exclusion rescission date.

Removing a Property From the CRS Discount Exclusion List

The NVT interfaces with Pivot to ensure that properties with floodplain management violations (currently limited to low-floor or openings violations) in CRS communities are excluded from receiving the CRS discount on their flood insurance premiums. This interface will occur twice yearly, according to FEMA's data management plan for these systems.

A building brought into compliance and having its violation marked as appropriately mitigated in the NVT will be eligible for the CRS discount upon the next data interface with the insurance rating engine, assuming that no other factors result in the building's continued exclusion from receiving the CRS discount. Once the NVT is updated to reflect that the violation has been mitigated, FEMA will incorporate the CRS discount to the premium at the next policy renewal.

For more information on the NVT or the CRS discount, please contact the Floodplain Management Division within Resilience at fema-nfip-nvt@fema.dhs.gov.