

Chapter 10 Letters of Determination Review

10.1 Background

Since January 2, 1996, in accordance with a mandate issued by the U.S. Congress in the National Flood Insurance Reform Act of 1994 (NFIRA), FEMA has accepted and processed requests for its review of determinations of whether buildings or manufactured homes are located in Special Flood Hazard Areas (SFHAs) identified on the effective National Flood Insurance Program (NFIP) maps. The result of this review, referred to as a Letter of Determination Review, or “LODR”, provides borrowers and lenders with information to resolve disputes regarding lender determinations of whether a borrower’s building or manufactured home is in the mapped SFHA.

To facilitate the determination process, FEMA developed a Standard Flood Hazard Determination Form (SFHDF) that is to be used by all regulated lenders and Federal agency lenders that make flood hazard determinations for improved property used to secure loans. The SFHDF is accessible through the “Forms” page on the FEMA Website:

http://www.fema.gov/plan/prevent/fhm/form_form.shtml.

When a borrower contests the determination made by the lender as documented in the SFHDF and the borrower and lender jointly request a LODR from FEMA, they must provide the completed SFHDF and all technical information FEMA will need to complete

its review. The LODR submittal to FEMA must be postmarked no later than 45 days after the date of the lender’s determination.

If sufficient information is provided, the written response from FEMA will indicate FEMA’s concurrence or disagreement with the lender’s determination and whether the subject building or manufactured home is to be considered in the SFHA. If sufficient information is not provided, the submitted information will be returned with a written response indicating the additional information to be submitted.

10.2 Review and Processing Fees

FEMA assesses a review and processing fee for LODR requests. The current fee is \$80 per request and applies to all requests, regardless of the determination that is issued.

10.3 Letter of Determination Review Processing Procedures

The procedures to be followed in processing LODR requests are summarized below. More detailed information on the procedures is provided in Subsection 3.3 of FEMA’s *Document Control Procedures Manual*. The form letters and other documents to be produced for LODR requests are provided in Appendix C of the *Document Control Procedures Manual*. The *Manual* is accessible through a dedicated page on the FEMA Website (http://www.fema.gov/plan/prevent/fhm/gs_dcpm.shtml) or directly through the FEMA Library (<http://www.fema.gov/library/index.jsp>).

10.3.1 Initial Review and Processing

Within 5 days of receipt of a request, FEMA will complete the review and processing actions that are summarized below.

- Open, inventory, and date-stamp the submitted information.
- Log the request into a tracking database.
- Confirm that the borrower/lender notice and postmark date are not more than 45 days apart.
- Confirm that the correct review and processing fee was submitted and in a form that can be deposited directly into the National Flood Insurance Fund (NFIF).
- Confirm that the effective NFIP map was used in making the determination.
- Verify whether required information was submitted.
- Return the package to the borrower with the appropriate return notice and update the tracking database if any of the required supporting information is missing, the request is submitted to FEMA more than 45 days after the date on the SFHDF, or the review and processing fee submitted is insufficient or is nonnegotiable (and therefore cannot be deposited into the NFIF). The return package will include all items submitted by the borrower, including the payment.

- Process the review and processing fee, prepare and mail a written acknowledgment of the LODR request, and initiate the case review if all required items have been submitted.

10.3.2 Required Information and Documentation

The following information is to be submitted in support of a LODR request:

- Request to FEMA for a review of the lender's determination with the signature of the borrower and lender;
- Copy of the lender's dated notification to the borrower that the building or manufactured home is in an SFHA;
- Completed SFHDF;
- Copies of all map materials used by the lender or the lender's agent to make the determination, including Plat of Tax Assessor's map and map showing the location of the building or manufactured home as related to the property; and
- Copy of map panel covering area in which the building or manufactured home is located, annotated to show the location of the building or manufactured home.

10.3.3 Final Review and Processing

After mailing the written acknowledgment of the LODR request and obtaining all information required to make a determination regarding the LODR

request, FEMA will complete the following tasks:

- Verify the location, NFIP community name, and the community identification number (CID). If the building or manufactured home is in an area that has been annexed to a community, FEMA will verify that the name and CID for the community that has jurisdictional authority for the property is used in the determination.
- Search the Community Information System (CIS) database, Letter of Map Change case files, and other community-based files for completed or in-progress Letter of Map Amendment (LOMA), Letter of Map Revision Based on Fill (LOMR-F), and Letter of Map Revision (LOMR) requests for the area in which the building or manufactured home in question is located and verify the location of the building or manufactured home.
- Evaluate the submitted information and make a preliminary determination.
- Prepare and send a determination letter.
- Update the tracking database.

If FEMA denies the LODR request and the elevation data submitted indicate the building or manufactured home may be removed from the SFHA by a LOMR-F or LOMA, FEMA will include a notification in the response letter to the borrower and lender. When appropriate, the FEMA response letter also will indicate that FEMA has initiated processing of a LOMR-F or LOMA request.

10.4 Deliverable Products

FEMA will prepare and distribute the standard letters for LODRs in accordance with Subsection 3.3 and Appendix C of FEMA's *Document Control Procedures Manual*. This includes mailing the letters, with their appropriate enclosures, as specified in the U.S. Postal Service *Domestic Mail Manual*.

10.5 Impact of Letter of Determination Review

The FEMA determination letters issued in response to LODR requests do not have any direct impact on the NFIP map on which a building or manufactured home is located. If a property owner would like to change the NFIP map, he or she would need to pursue a LOMR-F or LOMA in accordance with the procedures in Chapters 4 or 5 of this *Guide*.