

2013-0171

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
CAROLYN K. SCHEXNAYDRE, COUNCILWOMAN-AT-LARGE, DIVISION A
CLAYTON FAUCHEUX, JR., COUNCILMAN-AT-LARGE, DIVISION B
TERRELL D. WILSON, COUNCILMAN, DISTRICT I
MARY TASTET, COUNCILWOMAN, DISTRICT II
WENDY BENEDETTO, COUNCILWOMAN, DISTRICT III
LARRY COCHRAN, COUNCILMAN, DISTRICT V
TRACI A. FLETCHER, COUNCILWOMAN, DISTRICT VI
JULIA FISHER-PERRIER, COUNCILWOMAN, DISTRICT VII

RESOLUTION NO. 5990

A resolution requesting the Louisiana federal legislative delegation request that Congress amend or revise the Biggert-Waters Flood Insurance Reform Act.

WHEREAS, since 1968 the historical purpose of the National Flood Insurance Program (NFIP) was to provide affordable flood insurance in exchange for using FEMA generated and specified Flood Insurance Rate Maps (FIRMs) for floodplain management by a participating community; and,

WHEREAS, generations of Louisiana home and business owners have made lifelong plans and investments based on the existence of affordable flood insurance as proposed by FEMA in the NFIP and have dutifully complied with and enrolled in the NFIP for the past 45 years; further, in many cases, these properties are the owner's largest investment; and,

WHEREAS, most of the issues we face in the loss of our coast and the historical protection from flooding we enjoyed for generations are by and large traceable to Federal Policy. Further, the majority of the NFIP policyholders are required to have flood insurance to meet the terms of a federally backed mortgage; and,

WHEREAS, through the passage of the Biggert-Waters Flood Insurance Reform Act (Public Law 112-141, aka: BW12) signed into law by President Obama on July 6th of 2012, the NFIP was revised such that the public's trust and reliance on the program to provide affordable flood insurance protection for prior investments in their homes and businesses were essentially discontinued with no practical alternative provided for and this passage substantially and immediately devalued the investments made in all properties receiving subsidized insurance premium rates through the drastic increase in the cost of flood insurance and all other properties in the area; and,

WHEREAS, it is incumbent upon us all to have a long term, sustainable and viable NFIP with rates that are affordable.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby request the Louisiana federal legislative delegation request that Congress amend or revise the Biggert-Waters Flood Insurance Reform Act as follows:

SECTION I. The release of all new DFIRMS for adoption to communities should be temporarily suspended. New maps may continue to be developed and refined by FEMA working with local stakeholders to insure accuracy in reflecting flood risk in the community taking into account non-accredited levees and other features which afford flood protection; but the maps should not be presented for adoption at this time.

SECTION II. Give communities time to work with FEMA to push enrollment into the NFIP for a special enrollment period. This limited (1 year), one time only option, would allow folks to sign up or renew their NFIP policy using the currently adopted maps in their community under the following conditions: a) Any property that is enrolled or renewed during this period will be able to keep its pre-BW12 subsidized rate indefinitely until: the property is destroyed or abandoned by a non-flood event, the policy is allowed to lapse, the property has a flood claim(s) equal to the insured value of the property.

SECTION III. Any property that has been enrolled or renewed during the special enrollment period as described in Section II. above can be sold, donated or otherwise transferred to a new owner who will also be able to keep the pre-BW12 subsidized rate indefinitely until: the property is destroyed or abandoned by a non-flood event, the policy is allowed to lapse, the property has a flood claim(s) equal to the insured value of the property.

SECTION IV. All new policies written after the special enrollment period, or those renewed after a lapse in coverage will be subject to BW12 in full.

SECTION V. New or revised maps developed in compliance with Section I. above, can be released to the communities after completion of the 1 year special enrollment period described in Section II above or whenever they are completed. These new maps, once adopted by the communities, will set the new standards for all new construction. Further, these maps will be used to determine the actuarial flood risk for all new policies or the renewal of any lapsed policy.

SECTION VI. FEMA should consider the issuance of different policies that provide varying levels of protection and deductibles that would still allow policy holders to maintain coverage.

SECTION VII. All excess annual premiums, after all annual claims have been paid, collected by FEMA through the NFIP shall remain in the NFIP fund balance and shall not be transferred to the US Treasury. NFIP fund balances should be allowed to grow and be used to reduce the annual actuarial premium rates as the NFIP regains solvency.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to President Barack Obama, Speaker of the House John Boehner, Senate Majority Leader Harry Reid, Governor Bobby Jindal, Senator Gary L. Smith, Jr., Senator Troy E. Brown, Representative Gregory A. Miller, Representative Randal L. Gaines, Representative Thomas P. Willmott, Representative Maxine Waters, Representative Jeb Hensarling, and FEMA Director Craig Fugate.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: BENEDETTO

And the resolution was declared adopted this 6th day of May, 2013, to become effective five (5) days after publication in the Official Journal.

Revised Resolution - DFIRM recommend changes

ACTING

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 5.8.13

APPROVED: [Signature] DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 5.9.13

AT: 11:15am RECD BY: [Signature]