

If the replacement cost of the building exceeds the maximum statutory building limit, use the replacement cost, not the maximum statutory building limit, in calculating the ratio. For example, if the building replacement cost is \$1,000,000 and the amount of building coverage requested is the maximum statutory building limit of \$250,000, the rate is .25, so use the rate listed for "Replacement Cost Ratio Under .50."

Place the rate in the appropriate box on the Application and continue with the premium calculation.

4. Elevation Information

The lowest floor elevation must be identified for buildings in Zones V, V1-V30, and VE. Note that the lowest floor elevation is measured at the *bottom* of the lowest floor beam or slab, whichever is appropriate.

The BFE, including wave height, must be identified for any building located in Zones V1-V30 and VE.

XIV. SPECIAL RATING SITUATIONS

A. Tentative Rates

Tentative rates are used to issue policies when producers fail to provide the required actuarial rating information. With tentative rates, a policy will be generated with coverage limits based on the actual premium received. Tentatively rated policies cannot be endorsed to increase coverage limits, or renewed for another policy term, until the required actuarial rating information and full premium payment are received.

Tentative rates are generally higher than the rates published in this manual (ranging from \$2 to \$10 per \$100 of coverage). When tentative rates are applied, a Declarations Page and a Tentative Rate Letter will be forwarded to the policyholder, producer, and mortgagee (if any), requesting the necessary information so that the proper rate can be determined.

If a loss occurs on a tentatively rated property, payment will be limited by the amount of coverage that the initially submitted premium will purchase using the correct actuarial rating information.

B. Alternative Rates

When a building is Pre-FIRM and the FIRM zone is unknown, an alternative rating procedure can be used only if the building is located in a community that does not have any V Zones. In these cases, the NFIP will presume that the building is located in a Special Flood Hazard Area, and the FIRM zone should be shown as Zone AA. AA is not a valid flood zone designation; rather, it is a rating method used when the flood zone is unknown. The rates for FIRM Zone A for Pre-FIRM properties should then be used to compute the premium.

The alternative rating procedure is also used by the NFIP for renewal of policies in communities that have converted from the Emergency Program to the Regular Program during a policy's term. Again, this procedure can be used only when the community has no V Zones. In these cases, the NFIP assigns an AS Zone designation, which is not a valid flood zone designation, but rather a rating method, and uses the Pre-FIRM Zone A rates to compute the premium.

In both of the above situations, the producer should determine the actual FIRM zone and submit a General Change Endorsement to correct the FIRM zone and premium. All corrections should be made as soon as possible within the initial policy term after an AA or AS Zone designation has been made. If the correct flood zone is not provided, no Renewal Premium Notice will be issued.

C. Map "Grandfather" Rules--Effect of Map Revisions on Flood Insurance Rates

A community will occasionally make structural improvements (dams, levees, etc.) to reduce the potential effects of flooding; experience new development aggravating the flooding situation, thereby expanding the floodplain; revise geographical boundaries resulting in the designation of additional flood hazard areas; or provide information to better delineate the BFE and/or flood insurance risk zones. When these situations occur, the FIRM is revised and republished.

The implementation of a new FIRM raises the question--HOW DOES THE NEW MAP AFFECT FLOOD INSURANCE RATES?

1. Grandfather Rules

To recognize policyholders who have built in compliance with the FIRM and/or remained loyal customers of the NFIP by

maintaining continuous coverage, the Federal Emergency Management Agency has "Grandfather rules." These rules allow such policyholders to benefit in the rating for that building. For such buildings, the insured would have the option of using the current rating criteria for that property or having the premium rate determined by using the BFE and/or flood zone on the FIRM (old map) in effect when the building was originally constructed (for those built in compliance) or when coverage was first obtained (for those with continuous coverage). This results in a cost savings to insureds when the new map resulting from a map revision would result in a higher premium rate.

The conditions that must be met for an insured to be eligible to receive the rating benefit from the "Grandfather rules" after a map revision (new map) becomes effective are described below.

2. General Rule of Rating

Always use the new map if it will provide a more favorable premium (lower rate).

3. Existing Business--Renewal Policies

Policies written to cover either Post-FIRM or Pre-FIRM construction may be renewed and rated based on the FIRM and/or BFE in effect when the policy was initially rated as long as the coverage is continuous and the building has not been altered to make the reference level lower than the BFE on that FIRM. (NOTE: Alteration does not apply to Pre-FIRM construction or to risks grandfathered to a B, C, or X Zone.)

a. Examples--Post-FIRM Construction

- A building was constructed in 1980. Coverage was purchased at the time of construction. The FIRM zone in effect was A1. The BFE was 10'. The Lowest Floor was 11'. The elevation difference was +1, and the policy was rated using a +1 elevation difference.

This policy was written and continuously renewed for 3 years. In 1983 a new map for the community was issued.

The property remained in an A1 Zone. However, the BFE became 12'. Because the lowest floor did not change, the elevation

difference was -1. Since continuous coverage existed on the policy and the building was not altered in any way, the policy can be rated using a +1 elevation difference.

- A building was constructed in 1980. The FIRM zone in effect was A. In 1983 the map was revised, which placed the building in a VE zone. Since continuous coverage existed and the building was not altered, the policyholder can continue to use Zone A in determining the rate.

b. Example--Pre-FIRM Construction

At the time flood insurance coverage was applied for, the building was located in Zone A99. A new map designated the zone as AE. The policy may continue to be rated using Zone A99 rates on the old map as long as there is no interruption in coverage.

4. New Business--Applications for Coverage

a. Post-FIRM Construction

NOTE: These rules apply to buildings in all zones, including Zone D.

If a new policy is applied for, the rates can be based on the FIRM zone and the BFE on the old map in effect on the date the building was constructed provided that:

- The building was built in compliance with the map in effect at the time of construction; and
- The building has not been altered in any way that has resulted in a lowest floor, for rating purposes, lower than the BFE on that FIRM (e.g., enclosing the area below an elevated building); and
- The building has not been substantially improved.

The property owner or producer must provide proper documentation to the WYO company or NFIP Servicing Agent. The documentation must show: the date of the FIRM; the zone on that FIRM in which the property is located; the BFE, if any, for that zone; a copy of the map panel showing the location of the building; and the rating element that is to be grandfathered. A letter from a community official verifying this information, or an Elevation Certificate, also is acceptable.

Example:

A building was constructed in 1980 and, according to the FIRM in effect at that time, was located in Zone AE. No insurance policy was purchased until 1990. At that time remapping had occurred and the zone had been changed to a more hazardous area, Zone VE. The new policy can use Zone AE as the rating zone if the required documentation is provided.

b. Pre-FIRM Construction

This “built in compliance” rule also applies to Pre-FIRM construction if the date of construction was on or before December 31, 1974, and was on or after the FIRM date.

Example:

A building was constructed in November 1974 and the FIRM date was May 3, 1973. The old map showed the building’s location as Zone C. Ten years later in 1984, a new map placed the building in an A zone. Flood insurance coverage was applied for after the map was revised. To use the old map showing Zone C as the rating zone, proper documentation must be submitted.

D. Post-'81 V Zone Optional Rating

This optional rating is available for new and renewal policies and endorsements with effective dates on or after October 1, 1997. Policies for 1975 through 1981 Post-FIRM and Pre-FIRM buildings in Zones VE and V1-V30 are allowed to use the Post-'81 V Zone rate tables (Tables 3E or 3F) if the rates are more favorable to the insured. In order to qualify, the following criteria must be met:

1. The policy must be rated using the BFE printed on the FIRM panel that includes wave height. The effective date of the FIRM panel must be on or after 10/1/81.
2. The building rates are determined based on the ratio of the estimated building replacement cost and the amount of insurance purchased.
3. The building must be elevated free of obstruction or with obstruction less than 300 square feet. All machinery and equipment

located below the BFE are considered obstructions.

E. Policies Requiring Re-Rating

The following conditions require that the policies be rated using the new map:

1. If an elevation-rated building is altered, making the lowest floor for rating purposes below the BFE.

Example:

An elevated building is located in an AE Zone at the time of construction. The Lowest Floor Elevation (LFE) was 18'. The BFE was 10'. The Lowest Floor rating was a +8 elevation differential. The map was revised, changing the BFE to 11'. The insured decided to enclose the area beneath the elevated floor and use it as a living area. This changed the LFE to 9'. Due to the alteration, the new map must be used and the building is rated as -2.

2. If a Pre-FIRM or Post-FIRM building is substantially improved, the building must be re-rated using the FIRM in effect at the time that the substantial improvement occurred. A newer FIRM can always be used if it will result in a more favorable rating.

Example:

A building was constructed in 1972 and, when flood insurance was applied for in 1976, was found to be located in Zone C. The FIRM was revised in 1984. The building was substantially improved in 1985. Due to the improvement, the building must now be re-rated as Post-FIRM construction using the 1984 map, or the most recent map can be used if it will result in a more favorable rating.

If ineligible for renewal as a Preferred Risk Policy because of a map change, the risk must be rewritten as a Standard Flood Insurance Policy.

3. If a Pre-FIRM or Post-FIRM building has been declared substantially damaged by a local community official, the agent must verify that the repair and/or reconstruction of the building has been made before the policy can be re-rated using the FIRM in effect at the time of the substantial improvement.