



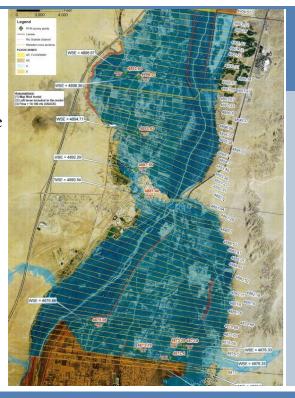
SEEKING A LESGISLATIVE EXEMPTION TO THE REQUIRMENTS OF THE FEDERAL FLOOD DIASTER PROTECTION ACT OF 1973

Background

The Federal Emergency Management Agency (FEMA) flood maps communities. In some instances, flood mapping of tribal lands occur while FEMA is aerially flood mapping communities surrounding a tribe. Many tribes have been flood mapped in this manner. The Federal Flood Disaster Protection Act of 1973 (the "Act") prohibits the use of federal funds, including the Indian Housing Block Grant (IHBG) and the Indian Community Development Block Grant (ICDBG), on sites that FEMA has mapped as being in a flood plain, unless a community or tribe participates in the National Flood Insurance Program (NFIP) and purchases flood insurance. Flood insurance is very expensive and continues to increase. The Act also requires regulated lenders to impose flood insurance on their borrowers on flood plains.

Who is impacted by FEMA's published Flood Insurance Rate Maps?

Many tribes in New Mexico and other states have large residential housing, including 1937 Act housing, in areas whose sites have been flood mapped as being below the Base Flood Elevation (BFE). A map amendment, FEMA's process of removing a site from a flood plain, cannot be obtained on a site that is below the BFE. This means that homes on these sites can't have federal funds spent on them if a tribe joined the NFIP.



National American
Indian Housing Council

122 C Street N.W. Suite 350 Washington, D.C. 20001

Point of Contact:

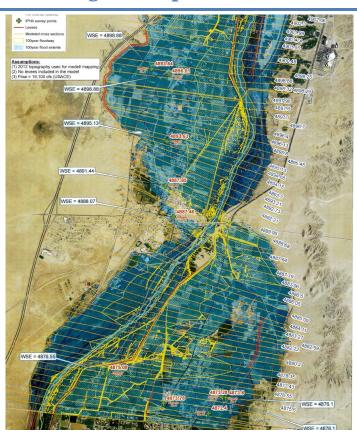
Denise Zuni
Sh'eh Wheef Law Offices,
P.C.
(505)869-3836
dzuni@live.com

© 2017 NAIHC

Flood Mapping on Native American Reservations

What does the National Flood Insurance Program impose on Tribes?

A community (including a tribe) that participates in the NFIP is required to adopt flood standards on floodplains as established by the NFIP and enforce these standards. Adopting a flood ordinance is a burdensome and costly process. It requires a tribe to hire a certified flood plain manager, develop and enforce flood standards, require certified elevations when building or rehabilitating on flood plains, and maintain tribal records on all new home construction and rehabilitation. Enforcement of a flood ordinance triggers federal penalties if not enforced. Flood insurance, both within and outside the NFIP market, is expensive and on the rise.



Proposed Legislation:

Congressman Steve Pearce of New Mexico is sponsoring legislation that will provide tribes an exemption that is already available to states —an exemption from the Act requirements that a community join the NFIP before using federal funds on flood plains.

The legislation will allow tribes to use IHBG funds on floodplains even if a tribe isn't a member of the NFIP. An exemption would allow a tribe to build and rehabilitate affordable housing with IHBG funds on flood plains upon mitigating the flood risks, without joining the NFIP.

Native American Indian Housing Council

NAIHC is the nation's only tribal non-profit organization dedicated solely to improving housing conditions in Native American com-



munities, advancing housing infrastructure development, and expanding economic and community development across Indian Country. The NAIHC is composed of 271 members representing 463 tribes and housing organizations. NAIHC promotes and supports Native housing entities in their efforts to provide culturally relevant and quality affordable housing on behalf of Native people.