



# Selected NFIP Definitions

(From 44 CFR §59.1)\*

***The following are a subset of commonly used NFIP definitions from 44 CFR §59.1. These definitions have been added to and/or altered to apply more directly to Vermont flood hazards. Please see federal regulations for original text.***

**Act** - means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

**Agency** - means the **Federal Emergency Management Agency (FEMA)**, Washington, D.C.

**Alluvial fan flooding** - means flooding occurring **on the surface of an alluvial fan** or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

**Apex** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Applicant** - means a community which indicates a desire to participate in the Program.

**Appurtenant structure (or Accessory Structure)** - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. Building regulations for accessory structures can be found in FEMA Technical Bulletin 7-93.

**Area of shallow flooding** - means a designated AO, AH, AR/AO, or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an **average depth of 1 to 3 feet** where a clearly **defined channel does not exist**, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood-related erosion hazard** - is the land within a community which is most likely to be **subject to severe flood-related erosion losses**. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**Area of special flood hazard** - is the land in the floodplain within a community **subject to a 1 percent or greater chance of flooding in any given year**. The area may be designated as Zone A,

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\* Document adapted from a resource supplied by the Maine State Planning Office

AO, AH, A1-30, or AE. For purposes of these regulations, the term “**special flood hazard area**” is synonymous in meaning with the phrase “area of special flood hazard”.

**Base flood** - means the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** - means any area of building having its floor **subgrade (below ground level) on all sides**.

**Breakaway wall** - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Building** - see **structure**

**Chief Executive Officer (or Administrative Officer)** - of the community means the official who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

**Community** - means any State or area or **political subdivision thereof**, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Contents coverage** - is the insurance on **personal property within an enclosed structure**, including the costs of debris removal, and the reasonable cost of removal of contents to minimize damage. Personal property may be household goods usual or incidental to residential occupancy, or merchandise, furniture, fixtures, machinery, equipment and supplies usual to other than residential occupancies.

**Criteria** - means the comprehensive developed under 42 U.S.C. 4102 for the purposes set forth in 44 CFR part 60.

**Curvilinear Line** - means the **border** on either a FHBM or FIRM that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows topography.

**Deductible** - means the fixed amount or percentage of any loss covered by insurance which is borne by the insured prior to the insurer’s liability.

**Developed Area** - means an area of a community that is:

- (a) A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure, including roads, utilities, communications, and public facilities, to sustain industrial, residential and commercial activities, and
- (b) Within which 75 percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structure or uses; or
- (c) Is a single parcel, tract, or lot in which 75 percent of the area contain existing commercial or industrial structures or uses; or

(d) Is a subdivision developed at a density of at least two residential structures per acre within which 75 percent or more of the lots contain existing residential structures at the time the designation is adopted.

(e) Undeveloped parcels, tracts, or lots, the combination of which is less than 20 acres and contiguous on at least 3 sides to areas meeting the criteria of paragraph (a) at the time the designation is adopted.

(f) A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10 percent of the lots or remaining lots of a subdivision or 10 percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivision must meet the density criteria in paragraph (a)(3).

**Development** - means **any man-made change to improved or unimproved real estate**, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Eligible community** - see **participating community**

**Elevated Building** - means, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Emergency Flood Insurance Program or emergency program** - means the Program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**Erosion** - means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

**Exception** - means a waiver from the provisions of 44 CFR part 60 directed to a community which relieves it from the requirement of rule, regulation, order or other determination made or issued pursuant to the Act.

**Existing construction** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for the FIRMs effective before that date. "Existing construction" may also be referred to as "**existing structures**."

**Existing manufactured home park or subdivision** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is **completed before the effective date of the floodplain management regulations** adopted by a community.

**Existing structures** - see **existing construction**.

**Expansion to an existing manufactured home park or subdivision** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal agency** - means any department, agency, corporation, or other entity or instrumentality of the executive branch of the Federal Government, and includes the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

**Financial Assistance** - means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance, other than general or special revenue sharing or formula grants made to States.

**First-layer coverage** - is the maximum amount of structural and contents insurance coverage available under the Emergency Program.

**Flood or flooding** - means:

- (a) A general and temporary condition of partial or complete **inundation of normally dry land** areas from:
  - (1) The overflow of inland or tidal waters.
  - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
  - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  
- (b) The **collapse or subsidence of land** along the shore of a lake or other water body of water **as a result of erosion** or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly cause by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**Flood elevation determination** - means a determination by the Federal Insurance Administrator of the water surface **elevation of the base flood**, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**Flood elevation study** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevation, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood Hazard Boundary Map (FHBM)** - means an official map of a community, issued by the Federal Insurance Administrator, where boundaries of the flood, mudslide (i.e., mudflow) related to erosion areas having special hazards have been designated as Zones A, M, and/or E.

**Flood Insurance** - means the insurance coverage provided under the Program.

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **flood elevation study**.

**Floodplain or flood-prone area** - means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**Floodplain management** – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain management regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards **for the purpose of flood damage prevention and reduction**.

**Flood protection system** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, **dams, reservoirs, levees or dikes**. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Flood proofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Flood-related erosion** - means the **collapse or subsidence of land** along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**Flood-related erosion area or flood-related erosion prone area** - means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**Flood-related erosion area management** - means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosions control works, and flood plain management regulations.

**Floodway** - see **regulatory floodway**

**Floodway encroachment lines** - mean the lines marking the limits of floodways on Federal, State and local floodplain maps.

**Freeboard** - means a factor of safety usually expressed in **feet above a flood level** for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Functionally dependent use** - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and a ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** - means any structure that is:

- (a) Listed individually in the national Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed places on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**Insurance company or insurer** - means any person or organization authorized to engage in the insurance business under the laws of any State.

**Levee** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Lowest floor** - means the lowest floor of the **lowest enclosed area (including basement)**. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR §60.3.

**Manufactured home** - means a structure, transportable in one or more section, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" **does not include a "recreational vehicle"**.

**Manufactured home park or subdivision** - means a parcel (or contiguous parcels) of land divided into **two or more manufactured home lots** for rent or sale.

**Map** - means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community.

**Mean sea level** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (**NGVD**) of 1929 or other datum (i.e the North American Vertical Datum (**NAVD**) of 1988), to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**New construction** - means, for the purposes of determining insurance rates, structures for which the "**start of construction**" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** - means a manufactured home park or subdivision for with the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is **completed on or after the effective date of floodplain management regulations** adopted by a community.

**100-year flood** - see **base flood**.

**Participating community (or eligible community)** - means a community for which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

**Person** - includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**Policy** - means the **Standard Flood Insurance Policy**.

**Premium** - means the total premium payable by the insured for the coverage or coverages provided under the policy. The calculation of the premium may be based upon either chargeable rates or risk premium rates, or a combination of both.

**Principally above ground** - means that at least 51% of the actual cash value of the structure, less the land value, is above ground.

**Program** - means the **National Flood Insurance Program** authorized by 42 U.S.C. 4001 through 4128.

**Program deficiency** - means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards in §§60.3, 60.4, 60.5, or 60.6.

**Project cost** - means the total financial cost of a flood protection system (including design, land acquisition, construction, fees, overhead, and profits), unless the Federal Insurance Administrator determines a given "cost" not to be a part of such project cost.

**Recreational vehicle** - means a vehicle that is:

- (a) Built on a single chassis
- (b) 400 square feet or less when measured at the largest horizontal projection
- (c) Designed to be self-propelled or permanently towable by a light duty truck
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regular Program** - means the Program authorized by the Act under which risk premium rates are required for the first half of available coverage (also known as "first layer" coverage) for all new construction and substantial improvements started on or after the effective date of the FIRM, or after December 31, 1974, for FIRM's effective on or before that date. All buildings, the construction of which started before the effective of the FIRM, or before January 1, 1975, for FIRM's effective before that date, are eligible for first layer coverage at either subsidized rates or risk premium rates, whichever are lower. Regardless of the date of construction, risk premium rates are always required for the second layer coverage and such coverage is offered only after the Administrator has completed a risk study for the community.

**Regulatory floodway** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (this height is regulated at 0.0' in 44 CFR §60.3).

**Remedy a violation** - means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure of other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Scientifically incorrect** - the methodology(ies) and/or assumptions, which have been utilized are inappropriate for the physical processes being evaluated or are otherwise erroneous.

**Servicing company** - means a corporation, partnership, association, or any other organized entity which contracts with the Federal Insurance Administration to service insurance policies under the National Flood Insurance Program for a particular area.

**Sheet flow area** - see **area of shallow flooding**

**Special flood hazard area** - see **"area of special flood hazard"**.

**Special hazard area** - means an area having special **flood** or flood-related **erosion** hazards, and shown on an FHBM or FIRM as Zone, A, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, or E.

**Standard Flood Insurance Policy** - means the flood insurance policy issued by the Federal Insurance Administrator, or an insurer pursuant to an arrangement with the Administrator pursuant to Federal statutes and regulations.

**Start of Construction** - includes substantial improvement, and means the **date the building permit was issued**, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include the land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State coordinating agency** - means the agency of the state government or other office designated by the Governor of the state or by state statute at the request of the Federal Insurance Administrator to assist in the implementation of the National Flood Insurance Program in that state. In Vermont this is the Department of Environmental Conservation at the Agency of Natural Resources.

**Structure** -

- (a) for floodplain management purposes, means a **walled and roofed building, including a gas or liquid storage tank, which is principally above ground**, as well as a manufactured home.
- (b) for insurance coverage purposes, means;
  - (1) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site
  - (2) A manufactured home, or
  - (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.
  - (4) **Does not mean** a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank

**Substantial damage** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the **cost of which equals or exceeds 50 percent of the market value of the structure** before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions
- (b) any alteration of a “historic structure” provided that the alteration would not preclude the structure’s continued designation as a “historic structure”.

**Technically incorrect** - the methodology(ies) utilized has been erroneously applied due to mathematical or measurement error, changed physical conditions, or insufficient quantity or quality of input data.

**Variance** - means a grant of relief by a community from the terms of a flood plain management regulation.

**Violation** - means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water surface elevation** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**Zone of imminent collapse** - means an area subject to erosion adjacent to the shoreline of an ocean, bay or lake and within a distance equal to 10 feet plus 5 times the average annual long-term erosion rate for the site, measured from the reference feature.