

§ 4004. Definitions**(a) In general**

In this subtitle, the following definitions shall apply:

(1) 100-year floodplain

The term “100-year floodplain” means that area which is subject to inundation from a flood having a 1-percent chance of being equaled or exceeded in any given year.

(2) 500-year floodplain

The term “500-year floodplain” means that area which is subject to inundation from a flood having a 0.2-percent chance of being equaled or exceeded in any given year.

(3) Administrator

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(4) National Flood Insurance Program

The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(5) Write Your Own

The term “Write Your Own” means the cooperative undertaking between the insurance industry and the Federal Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) Common terminology

Except as otherwise provided in this subtitle, any terms used in this subtitle shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

(Pub. L. 112-141, div. F, title II, §100202, July 6, 2012, 126 Stat. 916.)

REFERENCES IN TEXT

This subtitle, referred to in subsecs. (a) and (b), is subtitle A (§§100201-100249) of title II of div. F of Pub. L. 112-141, July 6, 2012, 126 Stat. 916, known as the Biggert-Waters Flood Insurance Reform Act of 2012. For complete classification of this subtitle to the Code, see Short Title of 2012 Amendment note set out under section 4001 of this title and Tables.

The National Flood Insurance Act of 1968, referred to in subsec. (a)(4), is title XIII of Pub. L. 90-448, Aug. 1, 1968, 82 Stat. 572, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of this title and Tables.

CODIFICATION

Section was enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012, and also as part of the Moving Ahead for Progress in the 21st Century Act, also known as the MAP-21, and not as part of National Flood Insurance Act of 1968 which comprises this chapter.

SUBCHAPTER I—THE NATIONAL FLOOD INSURANCE PROGRAM

§ 4011. Authorization to establish and carry out program**(a) Authorization and establishment**

To carry out the purposes of this chapter, the Administrator of the Federal Emergency Man-

agement Agency is authorized to establish and carry out a national flood insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States.

(b) Additional coverage for compliance with land use and control measures

The national flood insurance program established pursuant to subsection (a) of this section shall enable the purchase of insurance to cover the cost of implementing measures that are consistent with land use and control measures established by the community under section 4102 of this title for—

(1) properties that are repetitive loss structures;

(2) properties that are substantially damaged structures;

(3) properties that have sustained flood damage on multiple occasions, if the Administrator determines that it is cost-effective and in the best interests of the National Flood Insurance Fund to require the implementation of such measures; and

(4) properties for which an offer of mitigation assistance is made under—

(A) section 4104c of this title (Flood Mitigation Assistance Program);

(B) the Hazard Mitigation Grant Program authorized under section 5170c of this title;

(C) the Predisaster Hazard Mitigation Program under section 5133 of this title; and

(D) any programs authorized or for which funds are appropriated to address any unmet needs or for which supplemental funds are made available.

The Administrator shall impose a surcharge on each insured of not more than \$75 per policy to provide cost of compliance coverage in accordance with the provisions of this subsection.

(c) Participation and risk sharing by insurers

In carrying out the flood insurance program the Administrator shall, to the maximum extent practicable, encourage and arrange for—

(1) appropriate financial participation and risk sharing in the program by insurance companies and other insurers, and

(2) other appropriate participation, on other than a risk-sharing basis, by insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations,

in accordance with the provisions of subchapter II of this chapter.

(Pub. L. 90-448, title XIII, §1304, Aug. 1, 1968, 82 Stat. 574; Pub. L. 98-181, title I [title IV, §451(d)(1), (2)], Nov. 30, 1983, 97 Stat. 1229; Pub. L. 103-325, title V, §555(a), Sept. 23, 1994, 108 Stat. 2274; Pub. L. 108-264, title I, §105(a), June 30, 2004, 118 Stat. 723; Pub. L. 112-141, div. F, title II, §§100225(f), 100238(b)(1), July 6, 2012, 126 Stat. 942, 958.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original a reference to “this title” meaning title XIII of Pub. L. 90-448, Aug. 1, 1968, 82 Stat. 572, known as the