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Mike Beam, Secretary

Laura Kelly, Governor

December 15, 2021

The Honorable Josh Simmons
Mayor
P.O. Box 8
Elmdale, KS 66850

Subject: Withdrawal from the NFIP, City of Elmdale, Kansas

Dear Mayor Simmons,

We request this letter be read during your next City Council Meeting. Your community has expressed a desire to withdraw from the National Flood Insurance Program (NFIP). We strongly urge your community to consider remaining in the NFIP so that property owners may be approved for Federal disaster assistance, obtain flood insurance coverage, and ensure that future development in the Special Flood Hazard Areas is properly regulated. Enclosed with this letter is a document titled "Effects of Withdrawal", which further outlines the impacts of withdrawal from the program. Please carefully consider the consequences of this action.

To formally withdraw from the program, please pass and submit to me an ordinance that explicitly states your desire to withdraw from the NFIP and repeals your resolution that was passed when the city joined the Program, Ordinance No. 127. Please include a written statement that the city no longer wishes to participate in the NFIP. I will submit this documentation to FEMA for you, and the Administrator will formally withdraw your community from the Program and publish in the Federal Register its loss of eligibility for the sale of flood insurance. A community that has withdrawn from the Program may be reinstated in the future with the passage of an appropriate ordinance. Please submit this documentation to me prior to March 22, 2022. If you decide to stay in the program, please let me know so that I may assist you with updating your floodplain ordinance.

Sincerely,

Cheyenne Sun Eagle
NFIP Specialist
1131 SW Winding Rd
Topeka, Ks 66615
(785)-296-0854

Enclosures: Effects of Withdrawal

EFFECTS OF COMMUNITY WITHDRAWAL

- **No flood insurance is available** on any building located within a nonparticipating community. No owner of a residence, business, or public building will be able to purchase a flood insurance policy.
- **No Federal disaster assistance** can be provided in identified flood hazard areas if flood insurance is a condition of the assistance (such as disaster recovery loans and grants). This means no federal funds will be available for rebuilding an area that has suffered significant flood damage. No federal funds would be available for acquisition, construction, or repair of insurable structures. Assistance for replacing or repairing structures and personal property located in an identified flood hazard area would be limited to temporary housing assistance.
- **No Federal mortgage insurance** can be provided for structures in identified flood hazard areas if flood insurance is a condition of the grant or loan, including the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Department of Housing and Urban Development, and the Small Business Administration among others.
- **Other Federal agency loans and grants will not be available**, such as: Environmental Protection Agency grants for construction of sewer and water supply systems in the floodplain; Department of Transportation funds to build or improve roads in the floodplain; and Small Business Administration loans to firms building or expanding in the floodplain.
- **Legislative requirements** in the Flood Disaster Protection Act **restrict conventional loans** in nonparticipating communities. Lenders are required to:
 - 1) notify the buyer or lessee that the property is in a flood hazard area, and
 - 2) notify the buyer or lessee that property in a flood hazard area is not eligible for federal disaster relief in a declared disaster.
- **A local governing body may be held liable** by not participating because their action:
 - 1) denies the ability of its citizens to purchase flood insurance, and
 - 2) does not take positive steps to reduce the exposure of life and property in the face of authoritative scientific and technical data.
- **If the community chooses to reenter the National Flood Insurance Program (NFIP) at a later time**, all development in the floodplain conducted during the nonparticipation period must be reviewed by FEMA prior to any reinstatement. This includes any residential or business construction, grading or filling activities, and watercourse modifications. These interim actions could prevent the community from qualifying for future NFIP participation.

Actuarial rates are in effect regardless of whether or not a community participates in the NFIP. Structures not meeting the minimum NFIP construction requirements may be prohibitively expensive to insure should the community reenter the National Flood Insurance Program later.