



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/29/2022 9:40:35 AM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Emergency Management

TITLE-SERIES: 170-07

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: National Flood Insurance Program

CITE STATUTORY AUTHORITY: W. Va. Code 15-5-20b(c)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2022 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd., E.

Building 1, Room W-400

EMAIL: brandolyn.feltonernest@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule specifies guidelines for the continuation of the State Office of the National Flood Insurance Program, a voluntary federal program under which federal flood insurance is made available to participating communities and is of vital importance to the citizens of West Virginia.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

There is a need to promulgate this rule as the National Flood Insurance Program transferred from the Offices of the Insurance Commissioner to the Department of Homeland Security, Division of Emergency Management per HB 4295 in the 2022 Regular Session. This rule discusses application and enforcement, templates and administrative procedures.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 170
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF EMERGENCY MANAGEMENT

SERIES 7
NATIONAL FLOOD INSURANCE PROGRAM

§170-7-1. General.

1.1. Scope. -- This rule specifies guidelines for the continuation of the State Office of the National Flood Insurance Program, a voluntary federal program under which federal flood insurance is made available to participating communities and is of vital importance to the citizens of West Virginia.

1.2. Authority. -- W. Va. Code §15-5-20b(c).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2028.

§170-7-2. Application and Enforcement.

2.1. Application. This legislative rule is proposed to assist with administering the State Office of the National Flood Insurance Program and any of the program's responsibilities.

2.2. Enforcement. Effective July 1, 2022, the State Office of the National Flood Insurance Program shall transfer from the Offices of the Insurance Commissioner to the Division of Emergency Management. The State Office of the National Flood Insurance Program shall offer and conduct training as required by W. Va. Code §15-5-20a and adopt adequate land use and development criteria that are consistent with the minimum standards established by the National Flood Insurance Program. The State Office of the National Flood Insurance Program shall be under the supervision of the Director of the Division of Emergency Management.

2.3. Interagency Participation. The State Office of the National Flood Insurance Program, in consultation with the Director of the Division of Emergency Management, and with the assistance of floodplain managers around the state, shall develop and publish a strategic plan to establish shared goals, define a path to meet these goals, and shall invite other governmental units to adopt these goals and objectives.

§170-7-3. Templates.

3.1. The Division of Emergency Management will develop templates to be prepared and used to help communities meet the requirements of the National Flood Insurance Program. The counties and municipalities shall utilize the templates to comply with the National Flood Insurance Program.

§170-7-4. Administrative Procedures

4.1. The Division of Emergency Management will develop guidance on the administrative procedures

associated with local municipalities permitting state agency development. The Division of Emergency Management will reach out and disseminate guidance to the local and state officials.

4.2. When necessary, the Division of Emergency Management will provide clarification when addressing any conflicts. For participating communities, floodplain compliance will be administered and managed by the Division of Emergency Management.

4.3. The Division of Emergency Management will provide oversight of compliance with local floodplain managers and state agencies to the maximum extent possible.

4.4. When non-compliance is identified, the Division of Emergency Management should address the non-compliance.

4.5. Regarding permits, municipalities should permit state agencies and state agencies are not exempt from municipal permits.

§170-7-5. Severability.

5.1. The sections of this rule are severable. Should any section be declared by judicial opinion unconstitutional or in any manner contrary to the laws of the State of West Virginia, that particular section shall be invalid and all other sections shall remain in full force and effect.