



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 335

Section 64-6-2 Passed On 3/6/2023 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2023

This rule shall terminate and have no further force or effect from the following date:

August 01, 2028

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. -- April 26, 2023.

1.4. Effective Date. -- May 1, 2023.

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 meet or exceed 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, pursuant to the provisions of W. Va. Code §15-5-20b(d).

§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 governments 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, local governments should permit state agencies and state agencies are not exempt from local government 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.