

RESOLUTION IN OPPOSITION

to FEMA designating levee protected areas as Special Flood Hazard Areas with Mandatory Purchase Requirement for Flood Insurance, implementing Risk Rating 2.0, and using Levee Safety Program risk assessment for premium pricing; and use of Levee Safety Program funding for Risk Assessment rather than Levee Enhances Protection Measures

BY

FORT BEND COUNTY COMMISSIONERS COURT

WHEREAS, Fort Bend County is the fastest growing county in Greater Houston and is among the fastest growing county in the State of Texas since 2010 and is expected to exceed a million people in the next decade; and

WHEREAS, Coastal and Riverine Areas throughout the nation account for 40% of the Nation's population, 40 % of the Nation's jobs and 46% of the Nation's Gross Domestic Product; and,

WHEREAS, Fort Bend County, like other Riverine and Coastal communities, relies on affordable and available flood insurance to remain competitive and continue its economic success; and,

WHEREAS, Fort Bend County's Levee Systems provide flood mitigation and protection for over 27 percent of Fort Bend County's \$100 Billion market value; and,

WHEREAS, FEMA, using U.S. Army Corp of Engineers (USACE) levee data and risk assessments intends to implement a new flood insurance rating and pricing system called Risk Rating 2.0, "Equity in Action", and,

WHEREAS, the FEMA National Flood Insurance Program (NFIP), expiring on September 30, 2021, is expected to be reauthorized by Congress, and being considered under Section 209 of the House draft bill a provision directing establishment of a new flood zone for "levee impacted" areas that, at FEMAS's discretion could be designated as Special Flood Hazard Area (SFHA) imposing on any and all leveed areas the requirements for floodplain management and mandatory purchase of flood insurance; and,

WHEREAS, neither FEMA or USACE have disclosed the underlying assumptions, data, models, confidence intervals, rates, program costs, premiums collected, claims paid, Write Your Own (WYO) private insurer payments, interest payments on NFIP Program debt or allowed the public or Congress time to digest or comment on these proposed changes that replace existing program features that have been used for over 50 years; and,

WHEREAS, these rates and methods have not undergone scrutiny, have not complied with the Information Quality Act (IQA), or gone through a federal rulemaking proceeding under the Administrative Procedures Act (APA) that taxpayers expect in such circumstances.

NOW, THEREFORE, BE IT RESOLVED that Fort Bend County Commissioners Court opposes: (1) the implementation of FEMA’s Risk Rating 2.0 “Equity in Action”, until and unless there is rulemaking under the APA and IQA requirements are met; (2) any effort to make areas protected by accredited levees SFHA’s or to require mandatory purchase of flood insurance or floodplain management for properties protected by accredited levees (NFIP Reauthorization Section 209); and (3) the continued use of Levee Safety funds for risk assessments rather than efforts that identify and support improving levees.

PASSED and APPROVED on August 10, 2021.

County Judge KP George

Commissioner Vincent Morales, Pct. 1

Commissioner Grady Prestage, Pct. 2

Commissioner Andy Meyers, Pct. 3

Commissioner Ken DeMerchant, Pct. 4

ATTEST:

Laura Richard, County Clerk