

Flood Insurance Premium Assistance Task Force Final Report

July 2024





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Letter From the Task Force Chair

Governor Shapiro and Honorable Members of the General Assembly,

Flood events are predicted to continue to increase in severity and frequency in the Commonwealth and throughout the Northeast as our climate continues to change.¹ Floodwaters can wreak havoc on homes, causing structural damage to foundations, walls, and floors. Unmitigated flooding can also lead to mold growth in flooded homes, causing or exacerbating respiratory illnesses and allergies for homeowners and residents. Further, recovering from flood damage can be financially crippling, especially if a homeowner does not have a flood insurance policy to assist in recouping losses and making the necessary home repairs. It is a common misconception that standard homeowners insurance policies cover flood damage. After a major flooding event, homeowners without flood insurance are left to rely on federal disaster assistance, contingent upon a Presidential Disaster Declaration to activate the funds, or state disaster assistance, if any is available in their state.

Act 22 of 2023 established the Flood Insurance Premium Assistance Task Force to review and analyze existing statutes, procedures, practices, processes, and rules pertaining to flood insurance. In the last six months, the Task Force met five times to gain insight into the evolving flood insurance marketplace from consumers, insurance producers, real estate agents, lenders, subject matter experts, and federal partners. The Task Force seeks to raise awareness of the availability of flood insurance, educate consumers and industry representatives, and to recommend initiatives aimed at improving affordability of flood insurance.

The members of the Task Force are pleased to present this report. This report lists several recommendations designed to protect Pennsylvanians from incurring untold flood damage resulting in thousands of dollars of uncovered losses. These recommendations capture public input, agency collaboration, external stakeholder engagement and are based upon thoughtful consideration of the vast amount of information gathered throughout the process.

We recognize that implementing these recommendations may necessitate legislative action, funding, and additional resources, yet the Task Force firmly believes these recommendations are a first step toward enabling the Commonwealth to effectively tackle challenges concerning flood risk throughout Pennsylvania, while also enhancing the accessibility and availability of flood insurance. I look forward to continuing this work together to determine the best course of action to ensure our Commonwealth becomes more flood resilient.

Sincerely,
Michael Humphreys
Insurance Commissioner

¹ [The White House | Fact Sheet: Fifth National Climate Assessment Details Impact of Climate Change on Regions Across the United States](#)

Executive Summary

The Flood Insurance Premium Assistance Task Force (Task Force) was established through section 1.1 of Act 22 (P.L. 154. No. 22) in November 2023. The Task Force was created to review and analyze existing statutes, procedures, practices, processes, and rules relating to the administration of flood insurance in Pennsylvania. Seven individuals comprised the Task Force including two state Representatives, two state Senators, representatives from both the Department of Banking and Securities and Pennsylvania Emergency Management Agency (PEMA), and the Pennsylvania Insurance Commissioner serving as chairperson.

The Task Force was charged with delivering a report containing recommendations to the Governor and the General Assembly to increase flood insurance awareness, accessibility, and affordability. Specifically, recommendations in the report are to address the following:

- Potential programs that provide premium discounts;
- Potential programs that create incentives for local governments to undertake or continue flood mitigation efforts;
- The implementation of necessary changes in statutes or practices relating to the administration of flood insurance;
- How to educate residents about the risk of flooding and ways to mitigate flood occurrences;
- Steps that should be taken to inform residents about options available when purchasing flood insurance; and
- How to increase the number of people that purchase flood insurance.

Prior to the first convening of the Task Force, the Pennsylvania Insurance Department (PID), on behalf of the Task Force, issued [Bulletin Notice 2024-01](#) soliciting public comments from the public to assist in the formation of recommendations to increase awareness and access to affordable flood insurance coverage in the Commonwealth. This public comment period ran from January 5, 2024 – February 5, 2024. In total, the Department received [38 comments](#) from consumers, industry representatives, realtors, and independent insurance agents.

The Task Force held five public meetings between February 2024 and June 2024. Through facilitated discussions and presentations from experts in the field, Task Force members gained a deeper understanding of emerging flood risks, effective mitigation measures, and the importance of insurance in bolstering community resilience. These meetings ultimately led to final recommendations that encompass key pillars of affordability, risk mitigation, incentives, and education and outreach programs. The recommendations are as follows:

1. Establish an Office of Community Rating System Assistance (CRSA)/Expand Grant Funding
2. Improve Disclosures During the Home-buying Process
3. Incorporate Continuing Education Across Professional Roles
4. Enhance Education/Outreach
5. Incentivize Home Mitigation through Tax Credits
6. Enhance Coverage for Water Damage
7. Incorporate Flood Resiliency into Building Codes
8. Propose a Pennsylvania Flood Insurance Relief Act
9. Further Study Innovative Solutions







Pennsylvania’s Flood Insurance Marketplace and Current Hurdles to Market Expansion

Floods are one of the most common natural disasters in the United States, with devastating impacts. One inch of water can cause up to \$25,000 in damage to a home.¹ Many households do not have the financial resources to recover from these losses. Homes not located near water are still at risk of flooding—in fact, an average of 40 percent of National Flood Insurance Program (NFIP) claims originate outside of high-risk flood areas.² From the complete destruction of homes and entire communities to the loss of lives, the potential catastrophic effects of a single flood can only be understood by those who have witnessed it first-hand.

Decades ago, flooding was seen as an uninsurable risk by the private insurance market. In the absence of flood insurance policies, homeowners had no recourse for financial losses other than federal flood disaster assistance.

In response to the absence of available insurance coverage for flood-related damages to homes and belongings, the U.S. Congress established the National Flood Insurance Program (NFIP) in 1968. Initially, the NFIP effectively fulfilled its purpose by providing affordable flood insurance. Premiums paid to the NFIP were adequate to cover claims, thereby reducing reliance on federal disaster assistance. However, challenges emerged following the devastation caused by Hurricane Katrina and “superstorm” Sandy. The

NFIP accumulated over \$20 billion in debt due to a surge in large claims, prompting Congress to pass the Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert-Waters). These reforms were designed to make the NFIP financially stable and included the removal of subsidies for high-risk properties. Consequently, premiums began to reflect the actual risk of properties, resulting in significant premium increases for many policyholders. Because of public outcry, Congress passed the Homeowner Flood Insurance Affordability Act of 2014. The Act repealed certain provisions of Biggert-Waters—putting limits on certain rate increases, while still allowing for a gradual increase in premium and updating the pricing approach to ensure the financial solvency of the NFIP.

With the understanding that rating methodologies were primarily focused on flood zones and elevations and had not been updated in 50 years, the NFIP created a new pricing approach (Risk Rating 2.0) that was fully implemented in April of 2023. This approach leverages industry best practices and cutting-edge technology to enable the Federal Emergency Management Agency (FEMA) to deliver rates that are actuarially sound, equitable, and easy to understand. Since rolling out the new methodology, FEMA has been working with lawmakers to discuss potential adjustments in pricing formulas to increase transparency in flood pricing. Existing policies may

¹ [FEMA | Flood Insurance Protects You All Year Long](#)

² [FEMA | Flood Insurance Protects You All Year Long](#)

be eligible for grandfathering if map changes resulted in a rating zone change. These policies will gradually transition to a new full-risk premium under the new pricing approach within the annual cap imposed by Congress, which for most policyholders is 18 percent.

Under the new pricing approach, Elevation Certificates (EC) are no longer required to purchase coverage. FEMA will continue to update their flood maps. Flood mapping data is still important for local floodplain management building requirements and mandatory purchase requirements in special flood hazard areas (SFHA).

The lack of flood insurance is a significant issue in Pennsylvania. Currently, there are 3.1 million insured homes in Pennsylvania – only approximately 50,000 of which are insured against flooding. FEMA statistics show that from 2013 through 2023, Pennsylvania property owners from all of Pennsylvania’s 67 counties filed more than 7,584 claims with the NFIP for more than \$284 million in damages paid.³

Initially, the private flood insurance market in Pennsylvania consisted of mostly surplus lines

policies. Insurance generally must be sold in the admitted market. Insurance can be placed in the surplus lines market only if: (1) a “diligent search” of the admitted market is performed and coverage is denied; or (2) the type of insurance is on PID’s export list for allowable surplus lines coverage (Export List). Understanding that flood insurance was virtually non-existent in the admitted market, the PID added flood insurance to the Export List. The purpose of the Export List is to make it easier to obtain insurance without the necessary “diligent search” denials from insurers in the admitted market. Today, Pennsylvania’s private flood insurance market is made up of 54 percent surplus lines policies and 46 percent admitted policies.

Since 2016, the Pennsylvania private flood insurance market has grown from around 1,500 policies to almost 16,000 policies in 2023. As the private market has grown, the admitted market has started to better understand the risk associated with pricing private flood insurance. While the admitted market does write flood policies, it is focused primarily outside the SFHA and coverage generally does not comply with federal lending requirements in SFHAs.

³ [FloodSmart.Gov](https://www.floodsmart.gov) | [Historical NFIP Claims Information and Trends](#)



Flood Insurance Premium Assistance Task Force

Public Meetings

At the five public meetings, the Task Force members provided an opportunity for subject matter experts to share their knowledge that ultimately led to the recommendations in this report.

On February 7, 2024, the Task Force met in Harrisburg, Pennsylvania for the first time. This meeting featured presentations from FEMA, PEMA, Pennsylvania State University Harrisburg Institute of State and Regional Affairs, and two presentations from the Pennsylvania Insurance Department which illuminated the current flood insurance landscape in the Commonwealth. The Task Force learned about: the history of flooding and flood insurance in the Commonwealth; the importance of outreach, education, and consumer disclosures; and potential discounts available to communities that participate in the Community Rating System (CRS).

On March 6, 2024, the second Task Force meeting was held in Harrisburg, Pennsylvania. This meeting featured an in-depth presentation from Penn State Harrisburg about their report titled “Partnering for Protection: A Study of Flood Insurance in Pennsylvania Across Three Professional Roles,” which focuses on the importance of consumer education, the role of these professionals to increase community resilience, and the importance of transparency as to potential flood risk.

The Penn State presentation highlighted key observations from the report, including findings from the team’s interviews with real estate agents, insurance professionals, lending professionals, professional organizations, and public sector agencies.

The presentation was followed by a moderated panel discussion featuring representatives from the Pennsylvania Association of Realtors, the Pennsylvania Bankers Association, the Independent Insurance Agents & Brokers, and FEMA Region 3. The panel focused on several themes, including continuing education requirements for professionals, the importance of uniform [forms](#) credit or discount opportunities, and CRS enrollment (which is further explained below in Recommendation #1). Presenters

underscored the importance of understanding the consumers’ perspective on the homebuying process and early disclosure notification of flood zone certification during the homebuying process. The panelists determined that, from their perspectives, the three largest hurdles to flood insurance are: insurance affordability, communication, and perceptions/misperceptions of flood risk.

The third Task Force meeting was held in Yardley, Pennsylvania on April 3, 2024. The Pennsylvania Department of Transportation (PennDOT) took task force members on a driving tour to see firsthand the mitigation actions by PennDOT following a major flooding event in July of 2023 and to see state and local government mitigation efforts undertaken between 2006 and 2009. The public meeting included presentations from the Philadelphia Water Department and the Office of Sustainability for the City of Philadelphia, the Susquehanna Economic Development Association – Council of Governments (SEDA COG), the Yardley Borough Elevation Project Manager, and PEMA.

The goal of this meeting was for the Task Force to consider solutions related to CRS enrollment and maintenance, information for lender-placed insurance coverage (i.e., where a lender places an insurance policy on a mortgaged property), education and consumer disclosures, flood risk mitigation, and access to mitigation resources.

On May 8, 2024, the Task Force convened for the fourth time in Harrisburg. The Environmental Defense Fund (EDF) presented innovative insurance approaches to fill gaps in the disaster safety net. The Task Force learned about new potential models for insurance products such as microinsurance, group coverage, and insurance for resilience or relocation. Since these models are at the forefront of insurance innovation, the Task Force recommended further study to explore scalability and feasibility of these products in Pennsylvania.





Task Force Recommendations

Recommendation 1: Establish an Office of Community Rating System Assistance

The Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program. In CRS communities, flood insurance premium rates of NFIP policyholders are discounted to reflect the reduced flood risk resulting from the community's efforts to:

- Reduce and avoid flood damage to insurable property.
- Strengthen and support the insurance aspects of the NFIP.
- Foster comprehensive floodplain management.

During the course of the Task Force meetings, several presenters expressed a common frustration with the complexity, length of time, and extensive resources necessary to become a CRS community. Currently, there are only 1,500 CRS communities nationwide and less than 30 in Pennsylvania.¹ Additionally, even though many communities have already implemented qualifying mitigation tactics (listed below as “creditable activities”), residents are precluded from obtaining flood insurance premium discounts because their community is not formally enrolled in the CRS program.

The CRS program awards points for “creditable activities”, such as flood mitigation tactics, that count

toward premium discounts. There are 19 creditable activities, organized under four categories:

1. Public information
2. Mapping and regulations
3. Flood damage reduction
4. Warning and response

A community earns points based on how many activities are completed and will subsequently be placed in one of the ten CRS classes. Each CRS class corresponds with a CRS discount, which is applied as a premium reduction for NFIP policyholders in the community.

The Task Force recommends creating a Community Rating System Assistance (CRSA) Office to serve as a Commonwealth-wide resource for CRS communities and communities interested in becoming a CRS designated area. The hope for establishing a CRSA Office would be to assist Pennsylvania communities into FEMA CRS enrollment, with a strategic goal of moving communities toward a higher discounted CRS class, resulting in more affordable flood insurance for Pennsylvanians. Specifically, the CRSA Office could:

- Assist communities in implementing creditable activities.
- Establish a cohesive approach to flood mitigation.
- Coordinate county or other local-level initiatives regarding ISO building code effectiveness and

¹ [FEMA | Community Rating System](#)

grading schedules.

- Assist local communities in completing CRS-related applications and material.
- Create, maintain and distribute educational templates that non-CRS communities can utilize to increase awareness of the flood risk and mitigation program.

The CRSA Office would most appropriately be housed in PEMA within their Office of Recovery. To effectively execute its duties, the CRSA Office should be staffed with one leader (director) and at least one full-time position at each of the three PEMA Regional Offices. PEMA estimates the Director to be paid approximately \$123K per year including benefits and estimates the three regional staff may each be paid approximately \$113K per year including benefits, which would be in addition to other administrative expenses.

As a part of this recommendation, the Task Force further suggests requiring the newly created CRSA Office to deliver a report after five (5) years to the General Assembly and the Governor detailing the success of the office in carrying out its enumerated

mission to enroll more communities in the CRS program. The report would address the following:

1. The number of CRS “Are you ready for CRS” Applications submitted to FEMA Region III.
2. The number of Communities placed into the CRS Program at levels 8-10.
3. The number of Communities moving down the levels below 8 for higher discounts.
4. Anticipated Loss Avoidance and its impact on CRS scoring.
5. Discussion of ISO/Verisk Building Code activity.
6. The number of communities utilizing FEMA Annual Flood Mitigation Assistance, Building Code Effectiveness Grading Schedule, Hazard Mitigation Grant Programs (HMGP), Community Development Block Grant-Disaster Recovery (CDBG-DR), High Hazard Potential Dam (HHPD) and USDA NRCS Streambank Stabilization/Nature-Based Solutions
7. The number of NFIP policies in the CRS communities.
8. The number of permits in the CRS communities
9. The effectiveness of the Pennsylvania CRS user group.

Recommendation 1A: Expand Grant Funding

The Task Force recommends making additional state grants available for communities to assist in funding floodplain management activities related to onboarding, maintaining, and moving into a more advantageous CRS classification, and maintaining and improving the status of participating communities. If established, a CRSA Office could provide guidance for other non-CRS-related grant opportunities to communities throughout the Commonwealth.





Recommendation 2: Improve Disclosures During the Home-Buying Process

Pennsylvania law ([Act 114 of 2000, P.L. 815](#)) requires home and property owners to disclose to a buyer if the seller is aware of any past or present flooding issues affecting the property and if any part of the property is located in a high-risk flood area. In addition to the law, in 2010, the Department of State promulgated regulations (49 Pa. Code Chapter 35) to add flood history and flood zone awareness to the list of items required to be disclosed.

However, Pennsylvania does not have a law or regulation requiring disclosure of whether a property must have flood insurance coverage in order to obtain a mortgage. In fact, a seller/homeowner may not know if the property has ever experienced a flooding event. Consequently, a potential buyer may be unaware of the necessity for flood insurance until later in the purchase process (i.e., when a bank providing the mortgage for the property requires it). The National Resources Defense Council released a report that compared flood disclosure requirements across the nation. Currently, the Commonwealth is rated “C” or “adequate,” along with 16 other states.¹ Neighboring states New York and New Jersey adopted strict standards for disclosure in 2023 and

are “A” or “best” rated with five additional states. In New York and New Jersey, the seller must specifically disclose whether:

- The property is wholly or partially in the FEMA mapped 100-year or 500-year flood zone.
- The property is required under federal law to carry flood insurance on the property.
- The current homeowner, or any previous owner, has received assistance from FEMA or the United States Small Business Administration, or any other federal disaster assistance for flood damage to the property.
- The property currently has flood insurance.
- There is a FEMA elevation certificate on the property.
- The homeowner has ever filed a claim for flood damage to a private carrier or through the NFIP.
- The property ever experienced any flood damage, water seepage, or pooled water due to a natural flood event and if so, how many times.

The Task Force recommends the Pennsylvania General Assembly initiate legislation to adopt similar standards to provide better and earlier disclosure of flood risks and requirements for flood insurance.

¹ [Natural Resources Defense Council | How States Stack Up on Flood Disclosure](#)

Recommendation 3: Incorporate Continuing Education Credits Across Professional Roles

The Task Force recommends incorporating a minimum of two hours of continuing education (CE) courses for insurance producers, real estate agents, and a minimum of one hour for mortgage lenders, that specifically targets flood risk and insurance. These flood-related CE credits should be calculated as part of the existing CE requirement hours for licensees. During the moderated panel, we learned that although each type of professional has general CE requirements, none of the professions are required to take specific courses related to flood risk and insurance.

According to Penn State Harrisburg's report and information presented during the panel discussion, fear of non-compliance with regulatory standards and lack of current information about flood risk

and insurance often prevent professionals from discussing flood risk and insurance with homebuyers. As the flood risk and insurance landscape continues to evolve, it is critical to ensure insurance producers, mortgage lenders, and real estate agents have the most up-to-date information about the evolving flood insurance landscape so that professionals are prepared to assist consumers in making informed choices about flood risk and flood insurance.

The Task Force recommends that the Pennsylvania General Assembly enact legislation requiring that continuing education credits on flood risk and insurance for insurance producers, real estate agents, and mortgage lenders be incorporated into existing continuing education requirements.

Recommendation 4: Enhance Education/Outreach

As previously mentioned, a common misconception among homeowners is that flood damage is covered by a standard homeowners policy. Flood damage, however, is often excluded from these policies, leaving consumers without the financial safety net provided by flood insurance. It is also important to note that a standard renters insurance policy will not typically cover flood damage caused by weather. The Task Force recommends that the Pennsylvania Insurance Department, in conjunction with FEMA and PEMA, increase education and outreach about the availability and value of flood insurance for homeowners, renters, and business owners. Outreach should include partnerships with state legislators, state agencies, county commissioners, local municipalities, and

libraries to provide venues for events and educational resources that may include pre-flood season workshops, media ad buys, and letters to consumers.

Additionally, the Task Force also recommends that PID employ an individual to act as a Flood Insurance Ombudsman to serve as the primary contact for FEMA and PEMA to coordinate consumer education and outreach. This individual could also spearhead innovative solutions to solving the flood insurance crisis and coordinate with stakeholders to continue the collaborative efforts of this Task Force. This recommendation would comprise one new Director-level position at a salary of approximately \$86k/yr, plus the cost of benefits.

Recommendation 5: Incentivize Home Mitigation through Tax Credits

The Task Force recommends that the Pennsylvania General Assembly enact legislation to provide tax credits or deductions for costs incurred by homeowners for making repairs to make their homes more flood-resistant or adding other mitigation measures (such as moving appliances) that better protect it from flood damage. Additionally, the General Assembly should explore opportunities for Pennsylvanians to claim disaster-related expenses on their taxes.

Recommendation 6: Enhanced Coverage for Water Damage

While a standard homeowners or renters insurance policy excludes flooding, many carriers offer endorsements or coverage expansion provisions to cover water-related damages. The Task Force recommends that PID encourage all companies and agents offering homeowners and renters policies to educate consumers on the availability of such products.



Recommendation 7: Incorporate Flood Resiliency in Building Codes

The Department of Labor and Industry's Uniform Construction Code (UCC) Review and Advisory Council (RAC) meets regularly to adopt building code standards for the Commonwealth.

Municipalities and other political subdivisions must abide by these baseline standards. However, local

governments may go above and beyond the RAC's adoption of standards.

The Task Force encourages the UCC RAC to consider climate and flood resiliency when adopting and maintaining Pennsylvania's commercial and residential building codes.

Recommendation 8: Propose a Pennsylvania Flood Insurance Relief Act

The Task Force recommends the General Assembly introduce legislation that would allow Pennsylvania consumers to deduct flood insurance premiums from their state income tax.

Although the fiscal impact of a Pennsylvania state income tax deduction has not been precisely

quantified, the total written direct premium volume in Pennsylvania for personal lines residential written flood insurance premium in 2023, including NFIP policies, is approximately \$70 million, representing the upper limit of potential allowable tax deductions.

Recommendation 9: Further Study Innovative Solutions

Over the past six months, the Task Force learned of many opportunities to strengthen Pennsylvania's flood resiliency and to increase the uptake of flood insurance by property owners and renters. However, there are still more options to explore.

While the work of the Task Force concludes on July 1, 2024 with the delivery of a final report, the Task Force recommends PID, PEMA, and other agencies continue to engage on this important issue.

The Task Force proposes further study of innovative insurance solutions such as parametric programs and

microinsurance and the exploration of other solutions to bolster community, and individual policyholder, resiliency through mitigation. Specifically, PID should issue a request for proposal to study group insurance opportunities for flood insurance, including how innovative models could be scaled to assist Pennsylvania's communities and residents. The study should also evaluate other states' approaches to protecting residents against catastrophes, including premium assistance, disaster recovery assistance, and incentives for home and community hardening measures.

Conclusion

The Task Force expresses its deep gratitude for the stakeholders and members of the public who shared their time, subject matter expertise, personal stories, and public comments that helped formulate the final recommendations in this report. The Task Force is optimistic that these recommendations will serve as the basis of an action plan to help safeguard communities that may be impacted by floods in the future. We look forward to working together to develop and implement solutions that will benefit all Pennsylvanians by ensuring future generations' flood resiliency.

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Index of Acronyms

- Community Rating System (CRS)
- Community Rating System Assistance (CRSA)
- Continuing Education (CE)
- Elevation Certificates (EC)
- Environmental Defense Fund (EDF)
- Federal Emergency Management Agency (FEMA)
- National Flood Insurance Program (NFIP)
- Pennsylvania Emergency Management Agency (PEMA)
- Review and Advisory Council (RAC)
- Susquehanna Economic Development Association – Council of Governments (SEDA COG)
- Special Flood Hazard Areas (SFHA)
- Uniform Construction Code (UCC)



