Denial of Flood Insurance Section 1316

The purpose of this page is to define Denial of Flood Insurance - Section 1316, a commonly used regulation in floodplain management.

Section 1316 of the National Flood Insurance Act of 1968, as amended, states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or
ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood prone areas. Insurance availability is restored once the violation is corrected and the 1316 Declaration has been rescinded by FEMA.

For this report, please login into the PIVOT Portal, navigate to PART Reports and search for Report “1316 Property Declarations and Rescissions”.

- **Definition/Description**

Section 1316 of the National Flood Insurance Act of 1968, as amended, provides for the denial of flood insurance coverage for any property which the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Once a duly constituted State or local authority declares a structure as being in violation, the Administrator must deny flood insurance coverage provided that the individual or office making the declaration has the authority to do so and that the law or regulations violated was, in fact, intended to discourage or otherwise restrict land development or occupancy in the flood prone area.

Section 1316 was intended for use primarily as a backup for local enforcement actions (i.e., if a community could not force compliance through the enforcement mechanisms in its regulations, it could use Section 1316 as additional leverage) and was not intended merely as a mechanism to remove bad risks from the policy base. Section 1316 will only be implemented in instances where States or communities submit declarations specifically for that purpose.

- **NFIP Requirement**
  - 61.5 (a) Denial of Insurance
  - eCFR - Part 73 — Implementation of Section 1316 of the National Flood Insurance Act of 1968

- **Guidance**

  IS-9 Managing Floodplain Development Through The National Flood Insurance Program (NFIP)(page 7-43)