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#### **OVERVIEW**

Franklin American Mortgage Company (FAMC) purchases loans that are in compliance with the requirement of the National Flood Insurance Act and subsequent amending laws and regulations.

The National Flood Insurance Act created the Federal Insurance Administration and made flood insurance available for the first time.

The Flood Disaster Protection Act made the purchase of flood insurance mandatory for the protection of property located in Special Flood Hazard Areas.

The National Flood Insurance Reform Act provided tools to facilitate compliance with the statutory requirements for flood insurance and made major changes to the National Flood Insurance Program (NFIP) and the Flood Disaster Protection Act.

The Flood Insurance Reform Act (a.k.a. Biggert – Waters Flood Insurance Reform Act of 2012) changed the way the National Flood Insurance Program (NFIP) is run. It required the NFIP to increase flood insurance rates to reflect true flood risk, making the program more financially stable. The Federal Emergency Management Agency (FEMA) was required to reassess flood hazards and amend their flood hazard maps to reflect recent flooding events.

The Home Owner Flood Insurance Affordability Act of 2014 amended the requirements mandated by the Flood Insurance Reform Act of 2012 to make flood insurance available to homeowners at more affordable rates. It mandated the escrow of flood insurance premiums for federally related mortgage loans when a loan provided for establishing an escrow for property taxes and or hazard insurance.

Lenders are prohibited from making, increasing, renewing, or extending a loan secured by improved real estate or a mobile home located, or to be located, in a special flood hazard area, in a participating community, unless the property securing the loan is adequately covered by flood insurance.

#### FLOOD INSURANCE REQUIREMENTS

FAMC will not purchase any loan secured by improved real estate located in an area that has been identified by FEMA as an area having special flood hazards and in which flood insurance is available under the National Flood Insurance Program (NFIP), unless the property securing the loan is covered for its entire term by flood insurance.

Generally, the amount of the insurance required must be the lowest of 100% of the replacement cost of the insurable value of the improvements based on the hazard insurance policy, the maximum limit of coverage made available for the property under the National Flood Insurance Program (NFIP); or the unpaid principal balance of the mortgage.

Exceptions exist for:





- State owned properties covered under a FEMA approved self-insurance policy;
- Loans with an original principal loan balance of \$5,000 or less and an original term of 12 months or less; and
- (Effective October 1, 2015) additional structures that are a part of the residential property but are detached from the primary residential structure and do not, or cannot, reasonably serve as a residence.

Agencies or investors may from time to time require flood insurance in amounts or an additional structures and subject to certain conditions different than these minimum requirements. Please refer to the agency or investor lending guide for additional requirements.

Disclosure is provided to the borrower informing them that it is the right of any future mortgage servicer to adjust flood coverage within allowable limits. See the disclosures below for required verbiage.

#### **Escrow of Flood Insurance Payments**

Effective January 1, 2016 - A lender or servicer must establish an escrow account in accordance with RESPA regulations for the payment of flood insurance premiums for any loan made, increased, renewed, or extended (MIRE) that is secured by improved residential property and located, or to be located, in a special flood hazard area in a participating community, unless the loan is exempt.

#### Flood Hazard Determination Disclosure

Loans documented with flood certs from vendors other than Corelogic® or ServiceLink National Flood, or without life of loan coverage, will incur an additional funding fee of \$10.00.

#### **DISCLOSURES**

#### Notice to Borrower of Special Flood Hazard

The applicant must be notified in writing if the property is determined to be located in a flood hazard area. The notice must be provided within a reasonable period in advance of the closing. "Reasonable" notice will necessarily vary according to the circumstances of a particular transaction. At least one borrower must acknowledge in writing that the property is in a flood hazard area and that the borrower received the notice. A copy of the signed disclosure must be retained by the lender for the life of the loan. The applicant must provide proof of acceptable flood insurance no later than the date of closing.

Effective January 1, 2016, additional disclosures are required to be provided with the Notice to Borrower of Special Flood Hazard. A sample form containing the required disclosures has been created. Use of this amended form satisfies the requirements. Refer to Exhibit A.

#### Prior to January 1, 2016 - Notice to Borrower of Special Flood Hazard

The following language must be included on the Notice of Special Flood Hazard Disclosures:





"We may assign, sell, or transfer the servicing of your mortgage loan. Your new lender/servicer may require more flood insurance coverage than the minimum amount that has been identified in your Notice of Special Flood Hazards (NSFH). The new lender/servicer may require coverage in an amount greater than the minimum, and has the right to require flood coverage at least equal to 100% of the insurable value (also known as replacement cost value) of the building(s) used as collateral to secure the loan or the maximum available under the National Flood Insurance Program (NFIP) for the particular type of building. You should review your exposure to flood damage with your insurance provider, as you may wish to increase your coverage above the minimum amount required at the time of closing your loan versus what subsequently the new lender/servicer may require."

Effective January 1, 2016, this statement is no longer necessary on the Notice to Borrower of Special Flood Hazard, as substantially all of the language is included in other disclosures to borrower.

#### SUSPENSION OF COMMUNITY ELIGIBILITY FOR PARTICIPATION IN THE NFIP

From time to time, FEMA may suspend a formerly participating community's eligibility for participation in the NFIP due to the community's failure to affect changes or improvements to its floodplain management system subsequent to a flood event. Any loan where the subject property is located within a Designated Special Flood Hazard Area without evidence of a valid flood insurance policy obtained and in force on or before the date of any such suspension, is not eligible for purchase so long as the community remains suspended or is declared a non-participating community.

#### TRANSFERRING EXISTING COVERAGE

A buyer will be allowed to assume the seller's flood insurance policy and retain the same rates provided the loan is not a construction loan and the policy states it is transferrable. Correspondent lenders must obtain the following in order for the coverage to be acceptable:

- Prior written consent of the seller,
- A copy of the seller and agent signed General Change Endorsement evidencing Assignment of Coverage under the policy, and
- Determination that policy coverage continues to be in compliance with law, regulation and FAMC regarding flood insurance.

NOTE: For additional details regarding flood coverage requirements, please see Exhibit B "Flood Insurance General Change Endorsement".

Triggers that may cause an increase of premium to full risk rates are: lapsed or new policies, premiums for properties that have experienced severe or repeated losses due to flooding events, and existing properties affected by remapping of flood maps (FIRM).





#### **REFINANCE TRANSACTIONS**

To be eligible for purchase, a flood policy must be in effect for 30 days or more after the FAMC purchase date.

#### Ехнівіт А

## SAMPLE FORM OF NOTICE OF SPECIAL FLOOD HAZARDS AND AVAILABILITY OF FEDERAL DISASTER RELIEF ASSISTANCE

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's Flood Insurance Rate Map or the Flood Hazard Boundary Map for the following community: \_\_\_\_\_\_\_. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

\_\_\_\_The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

- At a minimum, flood insurance purchased must cover the lesser of: (1) The outstanding principal balance of the loan; or (2) The maximum amount of coverage allowed for the type of property under the NFIP. Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.
- Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.
- Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.





#### Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

#### **Escrow Requirement for Residential Loans**

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.

\_\_\_Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the nonparticipating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.





#### Ехнівіт В

THIS LAYOUT OF THE REVISED GENERAL CHANGE ENDORSEMENT, PAGE 1 OF 2. IS PROVIDED FOR YOUR REFERENCE. THE FINAL FORM WILL BE RELEASED UPON O.M.B. APPROVAL. U.S. DEPARTMENT OF HOMELAND SECURITY
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THIS LAYOUT OF THE REVISED GENERAL CHANGE ENDORSEMENT, PAGE 2 OF 2, IS PROVIDED FOR YOUR REFERENCE. THE FINAL FORM WILL BE RELEASED UPON O.M.B. APPROVAL.

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