



TEXAS GENERAL LAND OFFICE

HUD Updates to Floodplain Management Regulations at 24 CFR 55

DATE OF PUBLICATION: AUGUST 20, 2024

In April 2024, the Department of Housing and Urban Development (HUD) published a final rule in the [Federal Register](#) amending HUD's existing floodplain regulations at [24 CFR 55](#) to implement the Federal Flood Risk Management Standard (FFRMS). According to HUD, this rule enhances the nation's resilience to current and future flooding by strengthening standards where federal funds are used to develop or provide assistance for new construction or substantial improvement within the now-defined FFRMS floodplain.

The rule applies to CDBG-DR, CDBG-MIT, and any other HUD program subject to Part 55 and is effective 30 days after publication in the Federal Register (May 23, 2024). However, compliance is delayed until 60 days after publication (June 24, 2024).

Expansion of the Floodplain of Concern to the FFRMS:

The FFRMS was established in 2016 through Executive Order (E.O.) [13690](#), *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*. It builds upon E.O. [11988](#), *Floodplain Management* from 1977. HUD's Floodplain Management and Wetland Protection regulation in Part 55 no longer regulates the 100-year floodplain but rather the FFRMS Floodplain.

The FFRMS floodplain is based on future flood risk. It expands the 100-year floodplain vertically based on projections of increased flood height and horizontally by including the horizontal area impacted by a vertical increase in flood waters. Section [§ 55.7](#) of the rule provides applicants and subrecipients the process for determining whether a HUD-assisted project is within the FFRMS floodplain for non-critical and [critical actions](#).

Identifying the FFRMS Floodplain:

With the exception of the flood insurance requirements in [§ 55.5](#), under [§ 55.12](#), certain projects are exempt from Part 55 compliance. These types of projects are not required to complete a decision-making process. If an exception to the rule is not applicable, the applicant or subrecipient must determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination. Floodplain management compliance is complete if a project is located outside the FFRMS floodplain.

Per the rule, the FFRMS floodplain is defined by using a three-tiered approach: the Climate Informed Science Approach (CISA), the 0.2 Percent-Annual-Chance Flood Approach (0.2 PFA), and the Freeboard Value Approach (FVA). The appended flowchart visually describes the process of identifying the correct approach to defining the FFRMS floodplain.

CISA is HUD's preferred approach to determining the FFRMS floodplain because it provides a forward-looking assessment of flood risk based on the best-available, actionable, hydrologic, and hydraulic data. One source for identifying CISA data is called the [Federal Flood Standard Support Tool \(FFSST\)](#). The FFSST provides CISA data and can also project the horizontal extent of the FFRMS floodplain when using the FVA. When HUD formally adopts a CISA tool, resource, or another process through a future Federal Register notice, an applicant or subrecipient will be required to use this approach. For non-critical actions, CISA maps and data must be verified. These maps and data must show that floodplain and elevation are equal to or greater than Federal Emergency Management Agency (FEMA) base flood elevation (BFE). If local CISA data is voluntarily used, it must be as high as the lower of the 0.2PFA or FVA (BFE+2).

In areas where CISA data is not currently available or actionable, HUD will require using one of the other approaches to define the FFRMS floodplain. The 0.2PFA is defined as areas FEMA designated within the 0.2-percent-annual-chance floodplain (500-year). This includes both the horizontal and vertical extent of the 500-year floodplain. For non-critical actions, FEMA effective, pending, or preliminary Flood Insurance Rate Maps (FIRMs) are utilized in this approach. If FEMA has mapped the 500-year floodplain and the project is outside the 500-year floodplain, then floodplain management compliance is complete.

If FEMA has not mapped the 500-year floodplain, the FVA would be used to delineate the FFRMS floodplain in the project area. For non-critical actions, the FVA consists of those areas, including the horizontal extent, that result from adding an additional 2 feet to the BFE as established by the effective FEMA FIRM, Flood Insurance Study (FIS), or based on the best available information (ex. preliminary or pending FEMA FIRM). If CISA data is not available or actionable and FEMA has not mapped the area, the best available information, as defined in [§ 55.7\(d\)](#), must be used.



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▣ Identifying the FFRMS Floodplain (cont.):

When the scope of work is a [critical action](#), and CISA data is available and actionable and has been formally adopted by HUD, CISA maps must be used to verify the floodplain and elevation, provided federal data is equal to or greater than BFE. If local CISA data is used, it must be at least as high as the lower of the 0.2PFA, FVA, or Federal CISA if data is available and actionable. For critical actions where CISA data is not available or actionable, the FFRMS floodplain is defined with either the 0.2PFA or the FVA (BFE+3), whichever results in the larger floodplain and higher elevation. For critical actions where CISA data is not available or actionable and where the 0.2-percent-annual-chance floodplain elevation is not mapped on a FEMA FIRM, the FFRMS floodplain is defined by the FVA (BFE+3).

HUD-assisted projects within the FFRMS floodplain must complete the 8-step decision-making process or, if applicable, an abbreviated 5-step under § [55.14](#) unless an exception in § [55.13](#) applies. The 8-step process under [Subpart 55.20](#) ensures that responsible entities consider how their actions affect floodplains and/or wetlands, which must be documented in the ERR.

▣ Permitting Online Posting of Public Notices:

All environmental public notices are now eligible to be posted on government websites (See requirements at § [55.20\(b\)\(1\)](#)). This includes the Early Public Notice and Final Public Notice associated with the 8-step process and the notice for finding of no significant impact (FONSI) and/or the notice of intent to request release of funds (NOI/RROF) ([§ 58.43](#)). Per HUD, examples of appropriate government websites would be pre-existing sites related to HUD programs and plans, including Consolidated Plans, or any sites where the Responsible Entity (RE) regularly displays notices. The RE is required to maintain proof of publication and notice to the public. For online publications, required documentation may include a print-to-PDF of the web hosting that includes the website address and date of printing; certification from the Certifying Officer or other official to include the dates of publication and website address along with a copy of the publication made, or an affidavit of publication that includes the notice, date of the notice, and website address where it was published.

▣ Floodways, Limit of Moderate Wave Action (LiMWA), Coastal High Hazard Area:

The revised rule includes new definitions, such as LiMWA, and clarifications on limitations ([§ 55.8](#)) on HUD assistance in floodplains. In § [55.2\(b\)\(10\)](#), a LiMWA is defined as the inland limit of the portion of the Coastal A Zone where wave heights can be between 1.5 and 3 feet during a base flood event. This area will carry the same standards and restrictions as [Coastal High Hazard Areas](#) (V Zone).

The revisions now allow for additional improvements in the [floodway](#), including critical actions considered [functionally dependent uses](#), utility lines, and de minimis improvements (including minimal ground disturbance or placement of impervious surface area to ensure accessibility where local ordinances permit this and do not increase flood risk to the property), and removal of existing structures or improvements. Critical actions must meet the requirements under § [55.8\(a\)\(2\)](#) to be permitted within floodways, Coastal High Hazard Areas, and the LiMWA.

▣ Elevation, Floodproofing, Minimization, and Restoration:

In addition to other updates made to the decision-making process, § [55.20\(e\)](#) of the final rule provides that, alongside the current mitigation and risk reduction requirements, all new construction and [substantial improvement](#) actions in the FFRMS floodplain subject to the 8-step decision-making process must be elevated, when applicable, or, in certain cases, floodproofed above the FFRMS floodplain. The elevation of the FFRMS floodplain must be documented on an Elevation Certificate or a Floodproofing Certificate in the Environmental Review Record (ERR) prior to construction.



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▣ Flood Insurance and Notification of Flood Hazards:

All projects that meet the requirements under § [55.5](#) must be covered by flood insurance, regardless of the level of review. REs must provide an effective FEMA FIRM to confirm the project site location in reference to the Special Flood Hazard Area. **Federal Assistance will not be provided to communities that are in any special flood hazard area and identified by FEMA as eligible for flood insurance, but which are not participating in the National Flood Insurance Program (NFIP).** When applicable, and if the community is participating in the NFIP, a copy of the flood insurance policy/declaration or a receipt for the current annual flood insurance premium and a copy of the application for flood insurance must be included in the ERR.

The rule in § [55.4](#) now defines the notification requirements for any party participating in a financial transaction for a property and any current or prospective tenant located in a floodplain. Some of this information includes the requirement or option to obtain flood insurance, the elevation to or above the FFRMS floodplain, the site's proximity to flood-related infrastructure, including dams and levees, and other relevant information. New and renewal leases must include acknowledgments signed by residents that the property is in a floodplain and that flood insurance is available for their personal property for HUD-assisted rental properties.

For additional information, please contact GLO Environmental Oversight at env.reviews@recovery.texas.gov.

▣ Resources:

- ☉ [HUD Exchange: Floodplain Management](#)
- ☉ [FFRMS Final Rule Webinar Series](#)
- ☉ [HUD Partner Worksheets](#)
- ☉ [WISER: Floodplain Management, Wetlands, and Flood Insurance](#)
- ☉ [HUD FFRMS FAQ; FFRMS Floodplain Determination Job Aid](#)



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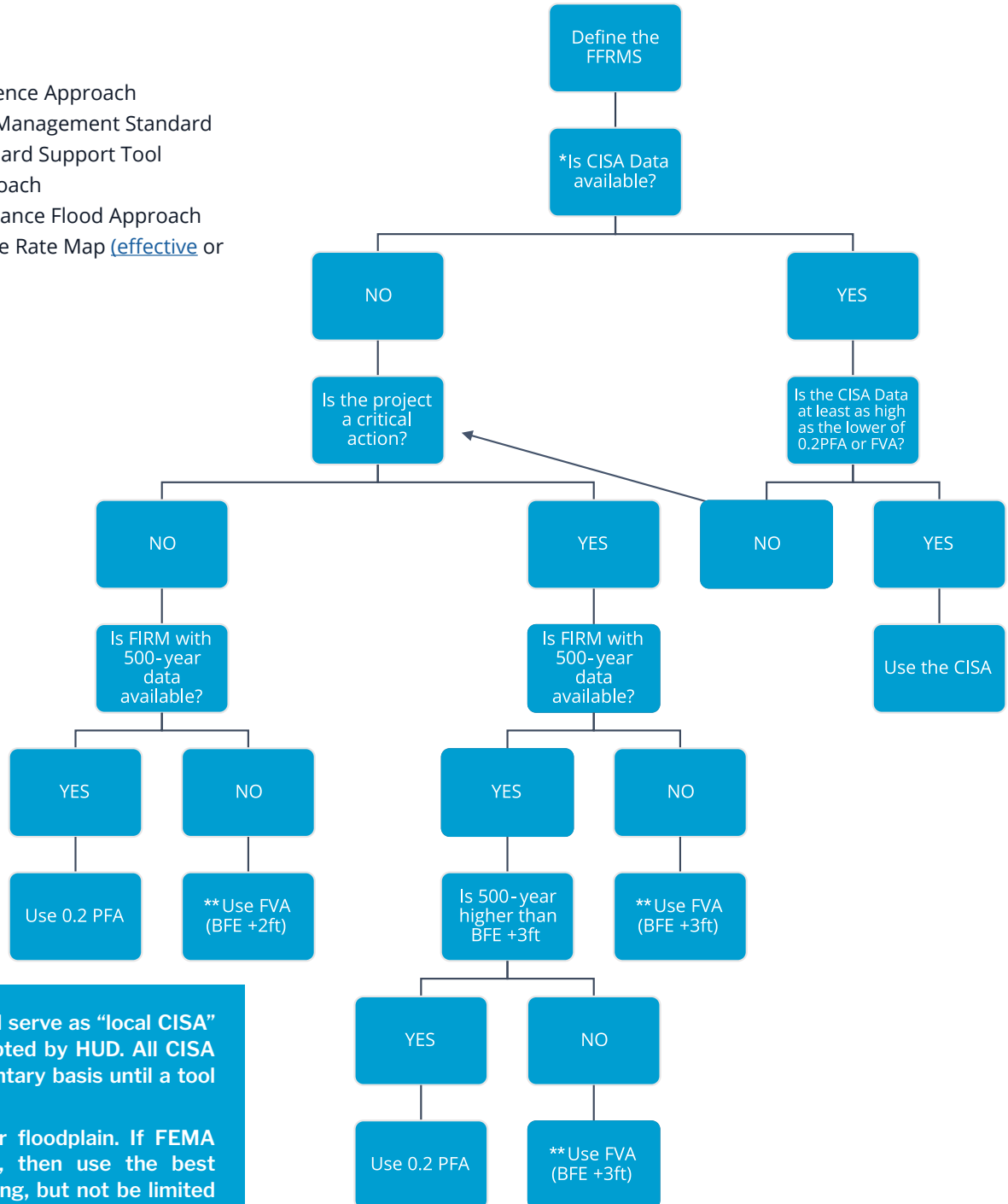
Flowchart Defining the Federal Flood Risk Management Standard (FFRMS) Floodplain

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In April 2024, the Department of Housing and Urban Development (HUD) published a final rule in the [Federal Register](#) amending HUD's existing floodplain regulations at [24 CFR 55](#) to implement the Federal Flood Risk Management Standard (FFRMS). The following flowchart is provided to help define this process.

ABBREVIATIONS

- BFE: Base Flood Elevation
- CISA: Climate-Informed Science Approach
- FFRMS: Federal Flood Risk Management Standard
- FFSST: Federal Flood Standard Support Tool
- FVA: Freeboard Value Approach
- PFA: 0.2 Percent-Annual-Chance Flood Approach
- FIRM: FEMA Flood Insurance Rate Map ([effective](#) or [pending](#))



*The current [FFSST tool](#) will serve as “local CISA” data until it is formally adopted by HUD. All CISA data may be used on a voluntary basis until a tool is adopted.

**Based on FEMA 100-year floodplain. If FEMA has not mapped the area, then use the best available information including, but not be limited to, data from FEMA's Estimated Base Flood Elevation ([estBFE](#)) or the [state/county floodplain administrator](#).