

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
National Flood Insurance Program | Federal Insurance Directorate
Appeal Decision for Appeal D13¹

POLICYHOLDERS: Redacted
POLICY NO.: Redacted

ADDRESS: Redacted
Redacted

BUILDING COVERAGE: \$250,000
PERS. PROPERTY COVERAGE: \$100,000

DATE OF LOSS: January 2023
DATE OF DENIAL: May 2023

APPEAL SUBMISSION DATE: June 2023
APPEAL ELIGIBILITY DATE: June 2023

INSURER'S DENIAL: The insurer denied coverage due to no general and temporary condition of flood.
POLICYHOLDERS' APPEAL: The policyholders request coverage for the exterior stucco wall and garage.

RESULT: Concur with denial

BASIS FOR DECISION UNDER THE STANDARD FLOOD INSURANCE POLICY (SFIP):²

- The SFIP defines a flood as a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (one of which is the policyholders' property) from overflow of inland or tidal waters, unusual and rapid accumulation, or runoff of surface waters from any source, or mudflow. (See SFIP (II)(B)(1)). To qualify for coverage, the SFIP requires a general and temporary condition of flood exist at the described location on the reported date of loss.
- The adjuster could not confirm a general and temporary condition of flood existed on the property on the reported date of loss. The adjuster found no waterlines on the interior or exterior of the building. The adjuster canvassed the policyholders' neighborhood and found no evidence of flooding.
- The adjuster reported the front yard slopes towards the front of the building and noted no gutters affixed to the front of the building to control drainage. The lack of gutters allows cumulative rainwater to flow onto the front of the building and cause damage to the exterior stucco wall.
- FEMA reviewed the National Flood Insurance Program flood claims database and found no record of reported flood claims in the area surrounding the policyholders' property on or around the reported date of loss.
- In support of their appeal, the policyholders provided undated photographs that show standing water in the brick walkway adjacent to the exterior of the building. The photographs do not show standing water in the yard.
- FEMA's review finds the photographs do not support a flood, as defined by the SFIP, caused damage to the insured property.
- For these reasons, FEMA concurs with the insurer's decision to deny coverage due to no temporary and general condition of flood.

Branch Chief/Examiner of Record

Policyholder Services Division Director

Delivery of this Appeal Decision concludes your appeal. 44 C.F.R. § 62.20(f)(3). If you do not agree with this decision, please refer to the SFIP for options for further action. The appeals process does not extend the one-year period to file suit against the flood insurer that began when the insurer first denied your claim in writing. 44 C.F.R. § 62.20(f)(4).

¹ 44 C.F.R. § 62.20. All appeal-related documents are on file with FEMA [hereinafter "Appeal File"].

² See 44 C.F.R. § 61.13 (2022); Dwelling Form available at 44 C.F.R. pt. 61 App. A(1).

You may request a phone discussion with a FEMA flood insurance expert regarding this Appeal Decision by emailing FEMA-FI-Appeals@fema.dhs.gov and referencing the FEMA Appeal Decision number. Such discussions are for informational purposes only. FEMA will not reopen the appeal or consider new information during any phone discussion.