§ 73.3 Denial of flood insurance coverage.

(a) No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body means an official or body authorized under State or local law to declare a structure to be in violation of a law, regulation or ordinance.

(b) For the purpose of this part, *State or local laws, regulations or ordinances intended to discourage or otherwise restrict land development or occupancy in flood-prone areas* are measures such as those defined as *Flood plain management regulations* in § 59.1 of this subchapter. Such measures are referred to in this part as State or local flood plain management regulations.

§ 73.3 Denial of flood insurance coverage.

(a) No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body means an official or body authorized under State or local law to declare a structure to be in violation of a law, regulation or ordinance.

(b) New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator for the denial of insurance.

(c) States and communities shall determine whether to submit a declaration to the Federal Insurance Administrator of a valid declaration of a violation.

(d) A valid declaration shall consist of:

(1) The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;

(2) A clear and unequivocal declaration that the property is in violation of
§ 73.4 Restoration of flood insurance coverage.

(a) Insurance availability shall be restored to a property upon a finding by the Federal Insurance Administrator of a valid rescission of a declaration of a violation.

(b) A valid rescission shall be submitted to the Federal Insurance Administrator and shall consist of:

(1) The name of the property owner(s) and an address or legal description of the property sufficient to identify the property and to enable FEMA to identify the previous declaration;

(2) A clear and unequivocal statement by an authorized public body rescinding the declaration and giving the reason(s) for the rescission;

(3) A description of and supporting documentation for the measures taken in lieu of denial of insurance in order to bring the structure into compliance with the local flood plain management regulations; and

(4) A clear statement that the public body rescinding the declaration has the authority to do so and a citation to that authority.

PART 74 [RESERVED]

PART 75—EXEMPTION OF STATE-OWNED PROPERTIES UNDER SELF-INSURANCE PLAN

Subpart A—General

Sec.
75.1 Purpose of part.
75.2 Definitions.
75.3 Burden of proof.