



**FEMA**

W-05063

October 5, 2005

MEMORANDUM FOR: Write Your Own (WYO) Principal Coordinators and  
the NFIP Servicing Agent

FROM: WYO Clearinghouse

SUBJECT: Policy Issuance 2-2005  
U.S. District Court Order Regarding the Sale of  
National Flood Insurance Program (NFIP) Insurance in  
Monroe County, Florida

Attached is a policy issuance from FEMA that provides details of a recent court order concerning the sale of NFIP insurance in Monroe County, Florida.

If you have any questions, please contact your Program Coordinator.

Attachment

cc: Vendors, IBHS, FIPNC, WYO Marketing Committee, Government Technical Representative

Suggested Routing: Claims, Data Processing, Marketing, Underwriting



FEMA

## National Flood Insurance Program

### Policy Issuance 2-2005

**SUBJECT:** U.S. District Court Order Regarding the Sale of National Flood Insurance Program (NFIP) Insurance in Monroe County, Florida

**Background:** On September 12, 2005, as part of ongoing litigation in Monroe County involving the application of the Endangered Species Act to the NFIP, the U.S. District Court for the Southern District of Florida issued a court order affecting the sale of NFIP insurance. This order directed the U.S. Fish and Wildlife Service to provide a list of suitable habitat for endangered species in Monroe County. It directed FEMA to not issue flood insurance for new construction in that suitable habitat. This list of locations by real estate parcel number was provided to the Court and FEMA on October 3, 2005, and can be found at the following website: [www.fws.gov/filedownloads/ftp\\_verobeach/MONROE-PARCELS](http://www.fws.gov/filedownloads/ftp_verobeach/MONROE-PARCELS).

**Policy Decision:** Flood insurance cannot be written on a building with an actual start of construction date on or after September 12, 2005, in Monroe County if the property is found in the list of parcels located on the above website. The Direct Servicing Agent and the WYO Companies will be responsible for verifying that buildings insured in Monroe County, including both the unincorporated area of the county and the incorporated cities within the county, are eligible for insurance. This will necessitate obtaining the real estate parcel numbers of the properties from the applicant and documentation from the community that the actual start of construction was in fact before September 12, 2005. This requirement applies to all new business with building permit or construction dates on or after March 16, 2005. It is estimated that only about 250 new buildings are constructed each year in Monroe County. This Policy Issuance will remain in force until further notice.

Any policy issued in violation of this Policy Issuance shall be void *ab initio*.

Questions regarding this Policy Issuance should be directed to Donald Beaton, Chief Underwriter, Federal Emergency Management Agency, at (202) 646-3442, or (email) [donald.beaton@dhs.gov](mailto:donald.beaton@dhs.gov).

October 4, 2005

Date

A handwritten signature in black ink that reads "David I. Maurstad".

David I. Maurstad  
Acting Director  
Mitigation Division  
Emergency Preparedness  
and Response Directorate