

The Standard Flood Insurance Policy (SFIP) defines flood as follows:

- A general and temporary condition of partial or complete inundation of 2 or more acres of normally dry land area or of 2 or more properties (at least 1 of which is the policyholder's property) from:
 - Overflow of inland or tidal waters; or
 - Unusual and rapid accumulation or runoff of surface waters from any source; or
 - Mudflow; or
- Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

An additional consideration is “flood in progress.” Flood in progress is defined as follows:

- A flood that is in progress on the earlier of either:
 - The date the community in which the insured property is located first experiences a flood as defined in this policy; or
 - The date and time of an event initiating a flood that directly or indirectly affects areas downstream or in a floodway and ultimately results in the damage to the insured property. Events that may initiate such a flooding event include, but are not limited to, the following:
 - A spillway is opened;
 - A levee is breached;
 - Water is released from a dam; and
 - Water escapes from the banks of a waterway (stream, river, creek, etc).
 - The applicability of this exclusion will be evaluated upon the assertion by a policyholder of the right to be paid for a loss under this policy.

I have included the NFIP Region 5 BSA Manager and the Region 5 NFIP General Adjuster to advise as to whether Lake Michigan is currently considered to be experiencing a general condition of flood; that said, it would generally be appropriate to make the determinations as to “begin date” of a general condition of flood by looking at the general conditions in a particular location. It is unlikely that the entirety of Lake Michigan would be designed as simultaneously experiencing a general condition of flood; rather, we would look at particular locations and the facts on the ground in those locations.

The Region will not be able to advise as to whether a particular loss event will be covered by the NFIP. We can confirm that in cases where a flood that meets the definition of flood in the SFIP and said flood is the direct physical cause of a loss, the loss *may* be eligible under the SFIP. All homeowners, renters, and business owners should maintain flood insurance in an amount appropriate to their potential loss exposure and file a claim for any potentially eligible losses. *Approval or denial of a claim is solely at the discretion of the insurance company after submission of the claim by an NFIP-certified adjuster and the submission of a legally sufficient Proof of Loss (POL) by the named insured.* In cases where the direct physical cause of a loss is in dispute or unclear, it is possible that an appropriate subject-matter expert (an engineer) would be involved with the claim and make a recommendation as to whether or not the loss is eligible under the SFIP.

To summarize: if a structure is located in a participating community, it should maintain flood insurance. It is *possible but not guaranteed* that the NFIP would cover a loss similar to that outlined below, depending on the specific circumstances of a particular claim.

For your reference, specifically excluded under the SFIP is:

- We do not insure for loss to property caused directly by earth movement even if the earth movement is caused by flood. Some examples of earth movement that we do not cover are:
 - Earthquake;
 - Landslide;
 - Land subsidence;
 - Sinkholes;
 - Destabilization or movement of land that results from accumulation of water in subsurface land area; or
 - Gradual erosion.
- We do, however, pay for losses from mudflow and land subsidence as a result of erosion that are specifically covered under our definition of flood

Please let me know if I can be of additional assistance or if you have additional questions.

Respectfully,

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<https://www.floodsmart.gov/learn>

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