



**FEMA**

W-18001

January 16, 2018

MEMORANDUM FOR: Write Your Own (WYO) Company Principal Coordinators and the National Flood Insurance Program (NFIP) Direct Servicing Agent

FROM:   
David I. Maurstad  
Assistant Administrator for Federal Insurance  
Federal Insurance and Mitigation Administration

SUBJECT: Guidance on the Application of Post-Wildfire Exception to 30-Day Waiting Period for New Policies

### **Revocation of Previous Bulletins**

FEMA revokes the following previous WYO bulletins:

- (1) WYO Bulletin W-12045 (July 10, 2012)
- (2) WYO Bulletin W-12079 (October 12, 2012)

### **Application of Post-Wildfire Exception to 30-Day Waiting Period for New Policies**

In general, new policies for flood insurance become effective following a 30-day waiting period.<sup>1</sup> However, the Biggert-Waters Flood Insurance Reform Act of 2012 provided an additional exception to this requirement related to flooding caused by post-wildfire conditions, referred to as the Post-Wildfire Exception.<sup>2</sup> Under the Post-Wildfire Exception, the standard 30-day waiting period does not apply to new policies if:

- (1) The covered property experiences damage caused by flood that originated on Federal land;
- (2) Post-wildfire conditions on Federal lands caused or worsened the flooding; and
- (3) The policyholder purchased the policy either:
  - (i) Before the fire containment date; or
  - (ii) During the 60-calendar-day period following the fire containment date.

For the purposes of the Post-Wildfire Exception, the Federal Agency responsible for the land on which the post-wildfire conditions existed determines the fire containment date.

Where a policyholder meets the requirements of the Post-Wildfire Exception, WYO Companies and NFIP Direct must make the policy effective at 12:01 a.m. (local time) on the date of the flood loss qualifying for the exception. Once the policy is made effective, WYO Companies and NFIP Direct

<sup>1</sup> See 42 U.S.C. 4013(c)(1); 44 CFR 61.11(c).

<sup>2</sup> See 42 U.S.C 4013(c)(2)(C) (added by the *Biggert-Waters Flood Insurance Reform Act of 2012* § 100241).

must adjust and pay claims in accordance with the Standard Flood Insurance Policy, including provisions governing a flood in progress and requiring that a flood occurs after the purchase of the policy.

**Assistance with the Proper Application of Post-Wildfire Exception**

FEMA supports the application of the Post-Wildfire Exception by tracking containment dates for wildfires occurring on Federal lands and consulting when necessary with appropriate Federal agencies to determine whether post-wildfire conditions caused or exacerbated a flood. WYO Companies and NFIP Direct may request assistance with the proper application of the Post-Wildfire Exception by contacting [FEMA-FIDClaimsMailbox@fema.dhs.gov](mailto:FEMA-FIDClaimsMailbox@fema.dhs.gov).

Required Routing: Underwriting, Claims, Training, Marketing, Adjusting Firms, Independent Flood Adjusters