

The following memo was written by lawyers working for FEMA, the Federal Emergency Management Agency, of the U.S. Department of Homeland Security. Notice how this memo, like many documents written for legal reasons, values specificity over clarity.

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

W-11034
June 6, 2011

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

FROM: NFIP Clearinghouse

SUBJECT: Garrison Dam Flood of 2011 - Flood In Progress

This Bulletin addresses the application of the Standard Flood Insurance Policy (SFIP), Section V (B), flood-in-progress exclusion to the release of water from Garrison Dam, ND, and the resulting Missouri River Basin flooding. FEMA has determined that the Garrison Dam water release occurring on June 1, 2011, triggered a flood in progress that extends to the Missouri River Basin below Garrison Dam, ND, and the system of coordinated dams through Gavins Point Dam, at Yankton, SD, and the basin beyond. Based on the flood-in-progress exclusion at Section V (B), for coverage to be effective for losses caused by the flood resulting from the water release from Garrison Dam, ND, an SFIP must have been in effect prior to June 1, 2011. FEMA recognizes that there may be subsequent flood losses caused by flooding not related to the water releases from Garrison Dam, ND, that triggered the June 1, 2011, flood in progress. Therefore, the applicability of the Section V (B) flood-in-progress exclusion should be evaluated individually for all claims. The date of this flood-in-progress trigger event, June 1, 2011, is distinguished from the date of loss. The SFIP provides coverage for a direct physical loss by or from flood. The date of loss will continue to be the date that a flood causes such a covered loss to the insured property.

A copy of the May 17, 2011, Bulletin W-11030, Flood-In-Progress, SFIP, Section V (B) is attached for your reference.

Your cooperation is always greatly appreciated. If you have any questions, please contact James.Sadler@dhs.gov.

cc: Vendors, IBHS, FIPNC, Government Technical Representative

Suggested Routing: Claims, Training, Underwriting

www.fema.gov

Attachment-----

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Read the following memos. Are the authors concise, concrete, complete, correct, courteous, and clear? What changes should they make to meet these recommended guidelines?

What is the actual subject of this memo?

How could the authors use bullets to clarify this section?

Wordiness, run-on sentences, and lack of organization, force the recipient to re-read the document.

W-11030
May 17, 2011

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

FROM: Edward L. Connor Acting Federal Insurance and Mitigation Administrator

SUBJECT: Flood-In-Progress, SFIP, Section V (B).

Adding the word "Exclusions" would help the recipient determine the point of the memo.

This Bulletin provides guidance regarding the exclusion contained in the Standard Flood Insurance Policy (SFIP) Section V (B). (Dwelling Form, General Property Form, and Residential Condominium Building Association Policy).

Section V (B). excludes from coverage a loss caused by a flood that is already in progress at the time and date the policy term begins or when coverage is added pursuant to the policyholder's request. The exclusion at Section V (B). specifically provides that:

The author of this memo chose to divide the information into bulleted sections. Was this helpful?

B. We do not insure a loss directly or indirectly caused by a flood that is already in progress at the time and date:

1. The policy term begins; or
2. Coverage is added at your request.

Questions have been raised regarding what triggers the exclusion, and how to interpret the exclusion together with exceptions to the 30-day waiting period found at 44 C.F.R. § 61.11. The Section V (B) exclusion is triggered on the date and time of the flooding event as defined in the SFIP that causes the loss. Specifically, FEMA considers that Section V (B) is triggered by the earlier of the following situations:

Replace the sentence, "Questions have been raised..." with the heading "Exclusions." Follow this heading with a bulleted list of the exclusions. What else can be removed from or added to the memo in order to provide the most concise message?

A. The community where the insured building is located first experiences a flood as defined in the SFIP, or

B. The date and time of an event initiating a flood that causes damage, including but not limited to:

- i) a spillway is opened,
- ii) a levee is breached,
- iii) water is released from a dam, or
- iv) water escapes from the banks of a waterway (stream, river, creek, etc.).

Flood-In-Progress, SFIP, Section V (B).

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These situations are provided for illustrative purposes only and do not encompass all instances in which the Section V (B) exclusion is triggered. Individual losses will be evaluated on an individual basis.

The Section V (B) exclusion is not limited to individual property, city, county, or parish boundaries. FEMA will apply the Section V (B) exclusion

regardless of individual property, city, county, or parish boundaries if causation of the flood is clear.

FEMA does not interpret the Section V (B) exclusion as being triggered only when floodwaters physically touch the insured building.

The applicability of the Section V (B) exclusion is separate from the applicability of the 30-day waiting period provisions found at 44 C.F.R. §

61.11. An insurance policy may be purchased without the 30-day waiting period, but that does not mean that Section V (B) of the Standard

If you have any questions please contact James A. Sadler at James.Sadler@dhs.gov

cc: Vendors, IBHS, FIPNC, Government Technical

Representative Required Routing: All Departments

www.fema.gov

How many times is Section V (B) mentioned in these two memos? Does this repetition add clarity to the document?

How would you improve the clarity of this memo?