National Violation Tracker: Frequently Asked Questions

1. What is the National Violation Tracker?

The National Violation Tracker (NVT) is a centralized database recently created by FEMA to list properties that appear to be out of compliance with the minimum construction standards of the National Flood Insurance Program (NFIP). This national system is designed to be updated when a property is brought into compliance or otherwise has its status changed.

2. Who has access to the NVT?

FEMA’s Floodplain Management Division is responsible for the operation of the NVT. FEMA Regional staff and state NFIP coordinating offices can list a property via the Community Information System and input information that can affect the status of a property.

Under the Privacy Act of 1974, the type of information kept in the NVT cannot be made public. Local officials can obtain the NVT Property List for their communities provided they have signed FEMA’s Information Sharing Access Agreement (ISAA). Question 6 of this document identifies ways that local officials may receive information about noncompliant properties without having access to the entire NVT.

While FEMA, state, and local officials cannot share the information with the public, they can review the data with the owner of a listed property.

3. How do properties get listed in the NVT?

When a property is listed in the NVT, it is considered not in compliance with the minimum NFIP construction standards. Generally, this only affects buildings constructed in the Special Flood Hazard Area after the area was identified on a Flood Insurance Rate Map (FIRM). These are known as post-FIRM buildings.

Some listed properties may meet the NFIP criteria but are in violation of a higher state or local regulatory standard. Note also, that the NVT lists properties, not buildings, and it can include violations not related to buildings, such as adding fill without a permit.

The listing information comes from one of the four sources, which are outlined in the table on the next page, “Sources of NVT Property Information.”
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<th>Source</th>
<th>Description</th>
<th>Examples</th>
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</thead>
<tbody>
<tr>
<td>1. Compliance Activities</td>
<td>FEMA or state staff identify properties that appear to be noncompliant when they conduct Community Assistance Visits and Community Assistance Contacts. The list of such properties is given to the community to either take an enforcement action or show the property is compliant. Properties confirmed as noncompliant are posted in the NVT.</td>
<td>Any type of violation could be identified. Most listings from compliance activities are based on problems that are visible from the street; e.g., a building or an addition to a building that looks to be lower than the base flood elevation or filling without a permit posted.</td>
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<tr>
<td>2. CRS Elevation Certificate Reviews</td>
<td>Communities in the Community Rating System (CRS) are required to obtain and keep FEMA Elevation Certificates (EC) on all new construction and substantial improvements in the floodplain. Each year’s ECs are sent to FEMA’s CRS contractor for review as part of the community’s annual recertification. If an instance of possible noncompliance is found, the community is advised and the EC is sent to the FEMA Region for follow up. A list of those properties with the lowest floor below the base flood elevation is sent quarterly to the Floodplain Management Division, which posts it in the NVT. This information may be updated based on the Region’s findings.</td>
<td>Problems documented on an Elevation Certificate include lowest floor below the base flood elevation, mechanical and equipment below the base flood elevation, and noncompliant enclosures.</td>
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<td>3. Letter of Map Change Applications</td>
<td>A FEMA contractor reviews applications for Letters of Map Amendment, Letters of Map Revision, and Letters of Map Revision based on Fill. If a property appears to be noncompliant, the contractor reports it to the Floodplain Management Division.</td>
<td>Filling in the floodway without a no-rise certification; a post-FIRM building on fill with the lowest floor below the base flood elevation.</td>
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<td>4. Minus-rated NFIP Policies</td>
<td>Up until October 1, 2021, most flood insurance policy premiums were based on the relation between the building’s lowest floor and the base flood elevation. Insurance records were used to identify post-FIRM buildings with lowest floors more than one foot below the base flood. When the NVT was created, the list of these minus-rated policies was included with no additional verification. Because the current rating approach no longer uses lowest floor and base flood elevations, this minus-rated policies list is not being updated.</td>
<td>Post-FIRM buildings with their lowest floors at least one foot below the base flood elevation, based on NFIP insurance data collected before October 1, 2021</td>
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</table>

Table 1
FEMA processes NVT data from the first three sources described in Table 1. If the information provided documents a violation, the property is listed in the NVT. If the information available is inconclusive, the FEMA Region follows up with the community.

Under the first source, compliance activities, properties are listed based on a compliance action by FEMA or the state. Properties can also be listed directly by the state NFIP coordinating offices based on their compliance action findings.

Most of the properties in the NVT were listed through the fourth source, minus-rated NFIP policies. The listing information came from flood insurance policies written up to 2021. At that time, insurance premiums were based on the relation between the building’s lowest floor and the base flood elevation. The information was transferred to the NVT when it was started and did not get the extra review by the FEMA Region or the state. This information is not used for flood insurance policies written since 2021, so no new properties are being added under this source.

A good number of properties listed from the minus-rated policy data may well be compliant. For example, some listings are for floodproofed nonresidential buildings with their lowest floors below the base flood elevation.

4. What are the consequences of being listed in the NVT?

The purpose of the NVT is to help FEMA, states, and communities identify and track properties that may not meet the NFIP minimum standards or higher state or local standards. It is a tracking system and does not mean that a compliance action will automatically follow.

However, there may be an impact on the NFIP insurance premium for a listed property — post-FIRM NVT properties that are not elevated or floodproofed to or above the base flood elevation are usually put on the CRS Discount Exclusion List. Properties with other violations may be added in the future. CRS Discount Exclusion List properties are not eligible for their community’s CRS flood insurance premium discounts, which can be as high as 45%.

The CRS Discount Exclusion List is in a separate NFIP insurance data system called Pivot. While state NFIP coordinators have access to the NVT via the Community Information System, they must sign an ISAA to gain access to Pivot and the CRS Discount Exclusion List. Not all state coordinating offices have done this, some because of legal restrictions.

5. How does a property get removed from the NVT?

A property is never removed from the NVT unless the entry was entered in error. However, a property may have its status updated. There are two ways to get the status of a property changed:

1. **Submit information** that shows the basis for the listing is not correct or complete. Here are some examples of information that could help:
   
   a. A property tax record that shows the date of construction to be before the initial FIRM date coupled with a statement from the permit office that the building has not been substantially improved since then.
   
   b. An Elevation Certificate that documents compliance, e.g., the building is currently above the base flood elevation or the base flood elevation in effect at the time of construction.
c. A new FIRM or Letter of Map Revision showing the property is no longer in the Special Flood Hazard Area (note: a Conditional Letter of Map Revision is not sufficient).

2. Alter the property so it becomes compliant. An example would be to elevate a house so it is above the base flood elevation with adequate flood openings.

The needed documentation can be collected by the community or the owner. It can be submitted to either the FEMA Region or the state NFIP Coordinator. The Region and state NFIP offices have direct access to the NVT through the Community Information System. Not all states have the resources to monitor and update the NVT as a service to property owners.

Once the NVT is updated based on documentation that shows the property in compliance, FEMA updates the CRS Discount Exclusion List. The property will stay on the NVT with its status listed but should be removed from the CRS Discount Exclusion List.

6. How are communities advised that a property is in the NVT?

Communities are or have been informed if a property is listed in one of the four sources of NVT property information:

1. **Compliance Activities:** Communities were given lists of problem sites found during a Community Assistance Visit or other FEMA or state compliance action with a request to verify if they truly were problems.

2. **CRS Elevation Certificate Reviews:** CRS communities were given the findings of the annual review of new Elevation Certificates.

3. **Letter of Map Change Applications:** If an applicant for a letter submitted documentation that shows noncompliance, the community was informed by FEMA.

4. **Minus-rated NFIP policies:** Many communities received their list of minus-rated properties, albeit several years ago, before there was an NVT. At one time, minus-rated policies accounted for 90% of the properties in the NVT. As more information is provided on these properties, many are being found to be compliant, and their listing can be updated.

Note there likely was no mention that the properties would eventually be put in the NVT or on the CRS Discount Exclusion List. It is also possible that the notice from FEMA went to the mayor or chief executive officer who did not forward it to the community’s floodplain administrator.

Communities can ask their state NFIP Coordinator or FEMA Regional Office whether they have properties listed in the NVT. If so, the community can complete an ISAA and request a copy of their list.

7. How are property owners advised that their properties are in the NVT?

In most situations, there is no direct notice given to property owners. However, if a Letter of Map Change application triggers a listing, the applicant will be advised. Owners may be told by their insurance agents or by reading the policy’s declaration page that they are not eligible for the CRS discount.

Currently, insurance agents are advised to tell property owners to contact their community floodplain
administrator for more information. Floodplain administrators who do not have access to their NVT list should contact their FEMA Regional Office or state NFIP Coordinator for more information on a particular property.

If the community has signed an ISAA, staff could advise those residents who are on its NVT list. A notice could be mailed to the addresses on the list with an explanation of what the listing means. The mailing could also include an invitation to meet with the appropriate official on how to change the property’s status. By limiting each notice to the specific address, there would not be a violation of the Privacy Act. Staff could also respond to inquiries from a listed property owner.

8. Are there properties in the NVT that are not violations?

There may be compliant properties in the NVT that appear to be violations based on the data provided. There can be many cases where the source of the property information had inadequate or incorrect data. It is likely that the NVT data may not include information that is known only by the permit office. Submitting such information could change the property’s status.

The table below has examples of situations that could be mistaken as violations and the documentation needed to get the status changed.

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<thead>
<tr>
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<tr>
<td>A pre-FIRM building with the lowest floor below the base flood elevation is incorrectly listed as a post-FIRM building. This property should not be in the NVT unless there has been substantial damage or a substantial improvement after the initial FIRM date.</td>
<td>Provide the date of construction from an independent source, like the tax assessor, and a statement from the permit office that there has been no substantial damage or improvement.</td>
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<tr>
<td>A post-FIRM residence was constructed above the base flood elevation. Some years later, a new FIRM showed the base flood elevation to be higher, above the lowest floor. A new Elevation Certificate uses the new base flood elevation and does not show the date of construction, resulting in the appearance of a violation.</td>
<td>This could be corrected by the community official in Section G of the Elevation Certificate.</td>
</tr>
<tr>
<td>A floodproofed building was listed because the Elevation Certificate showed the lowest floor below the base flood elevation.</td>
<td>Provide the Floodproofing Certificate from the permit file.</td>
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<tr>
<td>A manufactured home was installed in an existing mobile home park with the lowest floor at 36 inches above grade, as allowed by the ordinance. However, that level is more than a foot below the base flood elevation.</td>
<td>While this might show up on the NVT as a minus-rated property, if the community submits documentation that the manufactured home meets 44 CFR(c)(12), it can be removed from the CRS Discount Exclusion list.</td>
</tr>
<tr>
<td>A compliant building may be mistaken for a different, noncompliant, building at the same address or on the same parcel.</td>
<td>Provide photos or a site plan that differentiates between the two buildings.</td>
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The above examples show how some properties are inadvertently placed on the NVT. The examples also show that it depends on how one uses the term “violation.” For example, a building constructed below the base flood elevation with a variance issued pursuant to a FEMA-approved ordinance is not a violation of the ordinance. However, it does not meet the NFIP construction standards, so it would be listed. It should be noted that an applicant for a variance is told that the variance could result in higher flood insurance premiums — so the denial of the CRS discount would be appropriate.

Similarly, if a noncompliant post-FIRM building was “mitigated to the fullest extent practicable” but the lowest floor is still below the base flood elevation, that would not affect its status in the NVT and the CRS Discount Exclusion List.

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<td>A noncompliant building was demolished since it was listed. If it was replaced by a compliant building and the NVT was not updated, the address may still be on the CRS Discount Exclusion List.</td>
<td>Provide the Elevation Certificate and other relevant permit data on the new building.</td>
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<tr>
<td>A house that is mapped as in the floodplain was actually built on natural high ground above the base flood elevation. Based on a survey of the elevation of the parcel, the permit officer concluded that the property is not in the Special Flood Hazard Area and therefore not subject to the floodplain management construction standards. The house has a basement. If there is no Letter of Map Amendment, an Elevation Certificate will show it to be a new post-FIRM building in the floodplain with the lowest floor below the base flood elevation.</td>
<td>Apply for a Letter of Map Amendment with the appropriate permit records, including verification of the natural high ground (without fill).</td>
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Table 2

The above examples show how some properties are inadvertently placed on the NVT. The examples also show that it depends on how one uses the term “violation.” For example, a building constructed below the base flood elevation with a variance issued pursuant to a FEMA-approved ordinance is not a violation of the ordinance. However, it does not meet the NFIP construction standards, so it would be listed. It should be noted that an applicant for a variance is told that the variance could result in higher flood insurance premiums — so the denial of the CRS discount would be appropriate.

Similarly, if a noncompliant post-FIRM building was “mitigated to the fullest extent practicable” but the lowest floor is still below the base flood elevation, that would not affect its status in the NVT and the CRS Discount Exclusion List.

*Developed by the Association of State Floodplain Managers’ NVT Workgroup in association with FEMA.*