



*City of New Bedford*  
**OFFICE OF THE CITY SOLICITOR**

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May 3, 2021

Council President Joseph P. Lopes and  
Members of the City Council  
City Hall  
133 William Street  
New Bedford, MA 02740

RE: Amendment to Flood Hazard Overlay District Ordinance

Dear Council President and Members of the City Council:

At the Ordinance Committee meeting on April 21, 2021, it was asked what would happen if the New Bedford City Council did not adopt the proposed amendments to the New Bedford Code of Ordinances, Chapter 9, Section 4400, Flood Hazard Overlay District (FHOD), which updates definitions, requirements, and references to the Bristol County Flood Insurance Rate Map (FIRM) that will become effective on July 6, 2021. The purpose of this letter is to address this question.

The Federal Emergency Management Agency (FEMA) is requiring that the proposed ordinance amendments be adopted by July 6, 2021 in order to ensure the City's continued eligibility for participation in the National Flood Insurance Program (NFIP). If the City does not adopt the proposed ordinance amendments, it will be suspended from the NFIP. To be clear, these ordinance amendments are not being required only of New Bedford; they are required for all municipalities that have Special Flood Hazard Areas (SFHA).

Suspension from the NFIP would have severe consequences for the City and its residents, including the following:

- Residents could not purchase new NFIP flood insurance.
- Residents could not renew exiting NFIP flood insurance policies.
- Existing three-year NFIP policies would become void at the end of the current policy year.
- The federal government could not provide flood disaster assistance in the identified flood hazard area for damage caused by a flood.

- No federal grants or loans for development could be made in the identified flood hazard area.
- No federal mortgage insurance or loan guarantees could be provided in the identified flood hazard area.
- Federally insured or regulated lending institutions, such as banks and credit unions, would have to notify applicants seeking loans for insurable buildings in the identified flood hazard area that there is a flood hazard and that the property is not eligible for federal disaster relief.

Given that suspension from the NFIP would leave the City and its residents exposed to extreme financial risk in the event of a flood, it is respectfully requested that the City Council adopt the proposed ordinance in order to meet the July 6, 2021 deadline imposed by FEMA.

Sincerely,

A handwritten signature in black ink, reading "Mikaela A. McDermott". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Mikaela A. McDermott  
City Solicitor