

COASTAL PROTECTION AND RESTORATION AUTHORITY BOARD  
STATE OF LOUISIANA  
May 17, 2023

RESOLUTION NO. 2023-05-01

**A Resolution Authorizing Actions Necessary to Assist the Louisiana Attorney General with  
Louisiana’s Challenge to FEMA’s Risk Rating 2.0**

**WHEREAS**, pursuant to La. R.S. 49:214.5.2(A)(I), the Coastal Protection and Restoration Authority Board (“BOARD”) represents the State of Louisiana’s position relative to the protection, conservation, enhancement, and restoration of the coastal area of the state through oversight of integrated coastal protection projects and programs and is mandated to develop, implement, and enforce a comprehensive coastal protection and restoration master plan by working with federal, state and local political subdivisions, including levee districts, to establish a safe and sustainable coast that will protect our communities, the nation’s critical energy infrastructure and our bountiful natural resources for generations to come; and

**WHEREAS**, pursuant to La. R.S. 49:214.6.2, the Coastal Protection and Restoration Authority (“CPRA”) is the implementation and enforcement arm of the BOARD and is directed by the policy set by the BOARD, and pursuant to La. R.S. 49:214.6.2 and La. R.S. 49:214.6.3, CPRA shall administer the programs of the BOARD and shall implement projects relative to the protection, conservation, enhancement, and restoration of the coastal area of the State of Louisiana through oversight of integrated coastal projects and programs consistent with the legislative intent as expressed in La. R.S. 49:214.1; and

**WHEREAS**, pursuant to La. R.S. 49:214.5.2(A)(6), the BOARD is vested with the authority to take actions against any entity, to ensure consistency with the Louisiana’s Comprehensive Master Plan for a Sustainable Coast (“Coastal Master Plan”) and prevent actions that unduly and unnecessarily impede integrated coastal protection projects from being implemented consistent with the legislative intent as expressed in La. R.S. 49:214.1 *et seq.*; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) “is updating the National Flood Insurance Program’s (NFIP) risk rating methodology through the implementation of a new pricing methodology,” titled “Risk Rating 2.0: Equity in Action”<sup>1</sup>; and

**WHEREAS**, FEMA states that Risk Rating 2.0’s “methodology leverages industry best practices and cutting-edge technology to enable FEMA to deliver rates that are actuarially sound, equitable, easier to understand and better reflect a property’s flood risk”<sup>2</sup>; and

**WHEREAS**, the BOARD, along with various Louisiana levee boards, parishes, municipalities, other political subdivisions, citizen groups and citizens, has grave concerns about the soundness of Risk Rating 2.0’s

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<sup>1</sup> <https://www.fema.gov/flood-insurance/risk-rating>.

<sup>2</sup> <https://www.fema.gov/flood-insurance/risk-rating>.

underlying methodology, its failure to properly take into account any of the numerous improvements various state agencies, departments, political subdivisions, and local interests have made to the flood protection systems, and its catastrophic effect on Louisiana's flood insurance rates and the ability of Louisiana's homeowners to purchase flood insurance; and

**WHEREAS**, the BOARD, CPRA, the Association of Levee Boards of Louisiana, members of both the Louisiana legislature and the federal legislature, members of state government, numerous Parish Presidents and their Councils, and many other entities in Louisiana and around the nation have repeatedly raised their concerns to FEMA, have asked FEMA for documentation showing FEMA's underlying methodology, and have been passed from one federal office to the next without receiving any meaningful answers to their questions or any documents showing FEMA's underlying methodology; and

**WHEREAS**, Risk Rating 2.0 will cause insurance rates to increase across the State of Louisiana. Information released by FEMA on April 19, 2023, indicated an average Louisiana policy increase of **134.1% from \$813/year to \$1904/year** for the 284,095 Single Family Homes that were in effect on September 30, 2022, and rated under Risk Rating 2.0, with the most extreme average increases between 545.3% and 239.2% being found in several coastal area parishes under the jurisdiction of the BOARD and CPRA, including Plaquemines, St. Mary, Lafourche, Terrebonne Vermillion, Iberia, and St. Charles; and

**WHEREAS**, the 2023 Draft Coastal Master Plan currently working its way through legislative approval predicts the proposed actions in the Plan would prevent damage for 11,000-15,000 structures annually and prevent \$11 – \$15 Billion worth of damage to structures annually. Furthermore, nonstructural risk reduction projects are considered an integral part of the 2023 Draft Coastal Master Plan with approximately \$11.2 billion of the \$25 billion risk reduction budget in the plan allocated to pursuing nonstructural measures to elevate residential properties that are projected to experience 3-14 feet of flooding for a 1% annual exceedance probability event; and

**WHEREAS**, FEMA's Risk Rating 2.0 rating methodology ignores this proven mitigation strategy of elevating homes and other structures above the Base Flood Elevation, and failure to recognize this risk reduction measure results in unjust and unaffordable flood insurance rates under Risk Rating 2.0; and

**WHEREAS**, by ignoring the benefits of state, local, and federal home and structure elevation measures, including partner projects with the United States Army Corps of Engineers ("USACE"), FEMA's Risk Rating 2.0 rating methodology undercuts the benefits of these investments; and

**WHEREAS**, FEMA's Risk Rating 2.0 has the potential to inhibit or render ineffective the BOARD and CPRA's ability to develop, implement, and enforce comprehensive coastal protection on its own or in partnership with local and federal entities, including levee boards, other political subdivisions, parishes, municipalities, and the USACE;

**WHEREAS**, the increases in flood insurance costs hurt homeowners, particularly homeowners of lower and middle income, who will not be able to purchase, afford, or obtain flood insurance coverage and lead to homeowners filing for bankruptcy or foreclosure, to severe limitations in the housing industry's and current homeowners' ability to build and sell affordable housing, and to residents leaving the very homes CPRA is attempting to protect; and

**WHEREAS**, FEMA has denied the efforts of the BOARD and others to protect their interests, the interests of their members, the interests of many Louisiana industries, and the interests of Louisiana citizens, making what is supposed to be “Equity in Action” an inequitable program across the entire State of Louisiana; and

**WHEREAS**, the Attorney General of the State of Louisiana (“Attorney General”), who is designated as counsel for the BOARD under La. R.S. 49:214.5.7, is considering pursuing litigation against FEMA on behalf of the citizens of Louisiana to challenge the Risk Rating 2.0 in cooperation with a number of local levee districts, political subdivisions, parishes, and municipalities as well as interested citizen groups and citizens; and

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the Chairman of the BOARD is delegated authority and authorized to take all necessary action on behalf of the State of Louisiana through the BOARD to work cooperatively with, support, and assist the Attorney General with any litigation against FEMA to challenge Risk Rating 2.0, including but not limited to providing technical, informational, and policy assistance, executing necessary documents in support of the litigation, and joining in the litigation; and

**BE IT HEREBY FURTHER RESOLVED**, the Executive Director of CPRA is encouraged to take all necessary action on behalf of the State of Louisiana through the CPRA to work cooperatively with, support, and assist the Chairman and the Attorney General with any litigation against FEMA to challenge Risk Rating 2.0, including but not limited to providing technical, expert and informational assistance, executing necessary documents in support of the litigation, and joining in the litigation; and

**BE IT HEREBY FURTHER RESOLVED**, that the Chairman and the Executive Director of CPRA are delegated the authority to authorize that the Attorney General, as statutory legal counsel for the Board, or CPRA legal counsel to provide guidance and, if necessary, file suit and take all necessary actions on behalf of the State of Louisiana through the Board and CPRA relative to challenging Risk Rating 2.0.

This Resolution was declared adopted this \_\_\_\_ day of May 17, 2023.

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I hereby certify that the above is a true and correct copy of a resolution duly adopted by the Coastal Protection and Restoration Authority at its meeting of May 17, 2023, Baton Rouge, Louisiana, at which a quorum was present.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed name)

\_\_\_\_\_  
(Title)

This \_\_\_\_ day of May, 2023 at Baton Rouge, Louisiana.

DRAFT