

DOUGLAS G. REICHLEY, MEMBER  
134<sup>TH</sup> LEGISLATIVE DISTRICT

**HARRISBURG OFFICE**  
ROOM 5, EAST WING  
PO BOX 202134  
HARRISBURG, PA 17120-2134  
PHONE: (717) 787-1000  
FAX: (717) 705-7012

**DISTRICT OFFICE**  
1245 CHESTNUT STREET, UNIT #5  
EMMAUS, PA 18049  
PHONE: (610) 965-9933  
FAX: (610) 965-9174

**SATELLITE OFFICE**  
BALLY BROOK INDUSTRIAL PARK  
20 N. FRONT STREET, SUITE 7  
BALLY, PA 19503-9605  
PHONE: (610) 845-1425  
FAX: (610) 845-1427  
E-mail: dreichle@pahousegop.com



**House of Representatives**  
Commonwealth of Pennsylvania  
Harrisburg

**COMMITTEES**

APPROPRIATIONS, VICE-CHAIR  
CONSUMER AFFAIRS  
PROFESSIONAL LICENSURE  
TRANSPORTATION

**CAUCUSES**

ALZHEIMERS, CO-CHAIR  
AUTISM  
FIREFIGHTERS & EMERGENCY SERVICES  
IRISH  
LIFE SCIENCES & BIOTECHNOLOGY, CO-CHAIR  
SPORTSMEN

**MEMORANDUM**

**TO: All House Members**

**FROM: Rep. Doug Reichley**

**SUBJECT: Co-Sponsor Memo: Personal Income Tax Deduction for Surveyor Costs (Prior HB 2555)**

**DATE: February 1, 2011**

---

I was recently informed of an issue for many people nationwide relating to the National Flood Insurance Program is administered by the federal government through the Federal Emergency Management Agency (FEMA). FEMA is tasked by Congress to protect lives and property; as well as, issue flood maps for the National Flood Insurance Program (NFIP). In 2004, Congress directed FEMA to re-map the nation as the maps in use were from 15 to 20 years old. FEMA went to the counties in PA to get their information regarding where the counties thought there was an unmet need. They also teamed with PAMAP to use **LIDAR (Light Detection And Ranging)** an optical remote sensing technology that measures properties of scattered light to find range and/or other information of a distant target to get 2' contours of PA's topography. They digitized all of the information into "layers" that could be used to give us flood maps and calculated the depths for the 1% chance (100 year) flood. There are some areas of PA that were not mapped in this manner due to funding issues for both the original mapping and for LiDAR. In those cases they used previously known hydraulics and hydrology to calculate the flooding levels.

FEMA uses the most up-to-date maps and latest technology to produce these maps. However, because of limitations of scale or topographic definition of the source maps used to prepare a Flood Insurance Rate Map (FIRM), small areas may be inadvertently shown within an Special Flood Hazard Area (SFHA) on a FIRM even though the property is on natural ground and is at or above the elevation of the one percent annual chance flood. This elevation is most

commonly referred to as the Base Flood Elevation, or BFE. Such cases are referred to as "inadvertent inclusions." Because of the limited extent of the elevated area and the limitations of the map scale, it may not have been possible for FEMA to show this area as being outside the SFHA, and so these areas have been incorrectly included in the SFHA on the FIRM.

Recognizing that these situations do occur, FEMA established administrative procedures to change the designation for these properties on the FIRM. These processes are referred to as the Letter of Map Amendment, or LOMA, and the Letter of Map Revision Based on Fill, or LOMR-F. A LOMA is a letter from FEMA stating that an existing structure or parcel of land is not located in a SFHA, and allows the land owner to file for a potential exemption. The issuance of a LOMA eliminates the federal flood insurance purchase requirement as a condition of federal or federally backed financing; however, the mortgage lender retains the prerogative to require flood insurance as a condition of providing financing, regardless of the location of the structure.

As a component of the application process a homeowner must acquire the services of a surveyor to evaluate the parcel to ensure it meets the exemption. Depending on the extent of the work required, at times this can be a tremendous unanticipated expense to a homeowner. I intend to re-introduce legislation that would provide a homeowner who has acquired surveyor's services for this purpose to deduct the total cost from their personal income tax liability.

If you are interested in co-sponsoring this legislation, please contact my Harrisburg assistant Kendra Wiederhold at 787-1000 or [kwiederh@pahousegop.com](mailto:kwiederh@pahousegop.com).