To amend the National Flood Insurance Act of 1968 to allow the rebuilding of certain structures located in special flood hazard zones, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2012

Ms. MATSUI introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the National Flood Insurance Act of 1968 to allow the rebuilding of certain structures located in special flood hazard zones, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fire-Damaged Home Rebuilding Act of 2012”.

SEC. 2. REQUIREMENTS FOR STATE AND LOCAL LAND USE CONTROLS.

Subsection (a) of section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022(a)) is amended by adding at the end the following new paragraph:

“(3) VARIANCE FOR CERTAIN RESIDENTIAL STRUCTURES.—

“(A) REQUIREMENT.—Notwithstanding any other provision of this Act, after the expiration of the 3-month period beginning on the date of the enactment of the Fire-Damaged Home Rebuilding Act of 2012, any land use and control measures required to be adopted pursuant to paragraph (1) shall not, for purposes of such paragraph, be considered to be adequate or consistent with the comprehensive criteria for land management and use under section 1361 unless such measures provide that, in the case of any residential structure that is located in an area having special flood hazards and is substantially damaged other than as a result of a flood, a variance in accordance with subparagraph (B) may be granted.

“(B) VARIANCE; CONSIDERATIONS.—A variance in accordance with this subparagraph

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is a variance from compliance with such land
use and control measures that—

“(i) allows for the repair and restora-
tion of such structure to its predamaged
condition on the original location of the
structure without elevation of the struc-
ture, but only if the owner of such struc-
ture at the time of such damage repairs
and restores such structure for the purpose
of continued occupancy; and

“(ii) may be granted only by the ap-
propriate regional director of the Federal
Emergency Management Agency, after tak-
ing into consideration—

“(I) whether granting such a
variance would help avoid blight in
the neighborhood in which the struc-
ture is located; and

“(II) whether denying such a
variance would require the structure
to be elevated in a manner such that
the structure is inappropriate with re-
spect to adjacent structures;
“(III) the history and frequency of flooding in the area in which the structure is located; and
“(IV) the cost to the homeowner of elevating the structure so that it is in compliance with such land use and control measures.”.

SEC. 3. PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

“(j) PREMIUM RATES FOR STRUCTURES WITH CERTAIN VARIANCES.—Notwithstanding any other provision of this Act, the chargeable premium rate for coverage under this title for any residential structure provided a variance pursuant to section 1315(a)(3) shall, after repair and restoration of the structure pursuant to such variance, be the rate that otherwise would apply to such structure if the structure had not been substantially damaged and repaired and restored pursuant to such variance.”.