H. R. 700

To provide a moratorium on the issuance of flood insurance rate maps, to assist property owners in adapting to flood insurance rate map changes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 14, 2011

Mr. WALBERG introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide a moratorium on the issuance of flood insurance rate maps, to assist property owners in adapting to flood insurance rate map changes, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This section may be cited as the “Floodplain Maps
5 Moratorium Act”.

SEC. 2. 5-YEAR DELAY IN EFFECTIVE DATE OF MANDATORY PURCHASE REQUIREMENT FOR NEW FLOOD HAZARD AREAS.

(a) IN GENERAL.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by adding at the end the following new subsections:

“(i) DELAYED EFFECTIVE DATE OF MANDATORY PURCHASE REQUIREMENT FOR NEW FLOOD HAZARD AREAS.—

“(1) IN GENERAL.—In the case of any area that was not previously designated as an area having special flood hazards and that, pursuant to any issuance, revision, updating, or other change in flood insurance maps that takes effect on or after September 30, 2007, becomes designated as an area having special flood hazards, if each State and local government having jurisdiction over any portion of the geographic area has complied with paragraph (2), such designation shall not take effect for purposes of subsection (a), (b), or (e) of this section, or section 202(a) of this Act, until the expiration of the 5-year period beginning upon the date that such maps, as issued, revised, update, or otherwise changed, become effective.

“(2) NOTICE REQUIREMENTS.—A State or local government shall be considered to have complied
with this paragraph with respect to any geographic area described in paragraph (1) only if the State or local government has, before the effective date of the issued, revised, updated, or changed maps, and in accordance with such standards as shall be established by the Director—

“(A) developed an evacuation plan to be implemented in the event of flooding in such portion of the geographic area; and

“(B) developed and implemented an outreach and communication plan to advise occupants in such portion of the geographic area of potential flood risks, appropriate evacuation routes under the evacuation plan referred to in subparagraph (A), the opportunity to purchase flood insurance, and the consequences of failure to purchase flood insurance.

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect the applicability of a designation of any area as an area having special flood hazards for purposes of the availability of flood insurance coverage, criteria for land management and use, notification of flood hazards, eligibility for mitigation assistance, or any other pur-
pose or provision not specifically referred to in para-

graph (1).

“(j) Availability of Preferred Risk Rating
Method Premiums.—The preferred risk rate method
premium shall be available for flood insurance coverage
for properties located in areas referred to in subsection
(i)(1) and during the time period referred to in subsection
(i)(1).”.

(b) Conforming Amendment.—The second sen-
tence of subsection (h) of section 1360 of the National
Flood Insurance Act of 1968 (42 U.S.C. 4101(h)) is
amended by striking “Such” and inserting “Except for no-
tice regarding a change described in section 102(i)(1) of
the Flood Disaster Protection Act of 1973 (42 U.S.C.
4012a(i)(1)), such”.

(e) No Refunds.—Nothing in this section or the
amendments made by this section may be construed to au-
thorize or require any payment or refund for flood insur-
ance coverage purchased for any property that covered any
period during which such coverage is not required for the
property pursuant to the applicability of the amendment
made by subsection (a).
SEC. 3. NOTIFICATION TO HOMEOWNERS REGARDING MANDATORY PURCHASE REQUIREMENT APPLICABILITY.

Section 201 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4105) is amended by adding at the end the following new subsection:

“(f) ANNUAL NOTIFICATION.—The Director, in consultation with affected communities, shall establish and carry out a plan to notify residents of areas having special flood hazards, on an annual basis—

“(1) that they reside in such an area;

“(2) of the geographical boundaries of such area;

“(3) of the provisions of section 102 requiring purchase of flood insurance coverage for properties located in such an area, including the date on which such provisions apply with respect to such area, taking into consideration section 102(i); and

“(4) of a general estimate of what similar homeowners in similar areas typically pay for flood insurance coverage.”.

SEC. 4. NOTIFICATION OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:
“(k) Notification to Members of Congress of Map Modernization.—Upon any revision or update of any floodplain area or flood-risk zone pursuant to subsection (f), any decision pursuant to subsection (f)(1) that such revision or update is necessary, any issuance of preliminary maps for such revision or updating, or any other significant action relating to any such revision or update, the Director shall notify the Senators for each State affected, and each Member of the House of Representatives for each congressional district affected, by such revision or update in writing of the action taken.”

SEC. 5. REVIEW OF FLOOD MAP CHANGES BY AFFECTED COMMUNITIES.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by section 3, is further amended by adding at the end the following new subsection:

“(l) Review of Flood Map Changes by Affected Communities.—Not later than three years before the date on which a flood insurance rate map change or revision becomes effective, the Director shall notify each community affected by such map change or revision, including each State and local government with jurisdiction over an area affected by such map change or revision, and provide each such community and each such State and
local government with an opportunity to review such map change or revision and propose modifications to such map change or revision.”.

SEC. 6. REVIEW OF FLOOD MAP METHODOLOGY.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by section 4, is further amended by adding at the end the following new subsection:

“(m) Review of Flood Map Methodology.—Not less than once every ten years, the Comptroller General of the United States shall conduct a review of the methodology used to issue or revise flood insurance rate maps and submit the results of such review to Congress and the Director.”.

SEC. 7. APPEALS.

(a) Television and Radio Announcement.—Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (a), by inserting after “determinations” by inserting the following: “by notifying a local television and radio station,”; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: “and shall notify a local television and radio station at least once during the same 10-day period”.

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(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any flood elevation determination for any area in a community that has not, as of the date of the enactment of this Act, been issued a Letter of Final Determination for such determination under the flood insurance map modernization process.

SEC. 8. STUDY ON REPAYING FLOOD INSURANCE DEBT.

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Congress setting forth a plan for repaying within 10 years all amounts, including any amounts previously borrowed but not yet repaid, owed pursuant to clause (2) of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)).