

113TH CONGRESS  
1ST SESSION

# H. R. 3370

To delay the implementation of certain provisions of the Biggert-Waters  
Flood Insurance Reform Act of 2012, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2013

Mr. GRIMM (for himself, Ms. WATERS, Mr. RICHMOND, Mr. OLSON, Mr. PALAZZO, Mr. CASSIDY, Ms. MATSUI, Mr. CRAMER, Mr. KEATING, Ms. ROS-LEHTINEN, Ms. BROWN of Florida, Mr. HINOJOSA, Mr. MEEKS, Mr. MCINTYRE, Mr. NADLER, Mr. NUGENT, Mr. SCOTT of Virginia, Mr. LANGEVIN, Mr. CROWLEY, Ms. MOORE, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mr. WELCH, Mr. ENYART, Mr. LOBIONDO, Mr. LYNCH, Mr. CARNEY, Mr. SCALISE, Mr. CULBERSON, Ms. CASTOR of Florida, Mr. GARCIA, Ms. FRANKEL of Florida, Ms. VELÁZQUEZ, Ms. SCHAKOWSKY, Mr. KING of New York, Mr. PASCRELL, Mrs. CAROLYN B. MALONEY of New York, Ms. WILSON of Florida, Mr. VELA, Mr. STOCKMAN, Mr. BOUTSTANY, Mr. FITZPATRICK, Mr. RODNEY DAVIS of Illinois, Mr. PERLMUTTER, Mr. WHITFIELD, Mr. MCNERNEY, Mr. MURPHY of Florida, Mr. ELLISON, Mr. DIAZ-BALART, Mrs. ELLMERS, Mr. GENE GREEN of Texas, Mr. BUCHANAN, Mr. ANDREWS, Mr. CLEAVER, Mr. DEUTCH, Mr. GARAMENDI, Ms. JACKSON LEE, Mr. JEFFRIES, Mr. CLAY, Mrs. MCCARTHY of New York, Ms. PINGREE of Maine, Ms. TSONGAS, Ms. WASSERMAN SCHULTZ, Mr. DAVID SCOTT of Georgia, Mr. HARPER, Mr. MAFFEI, Mr. SIRES, Mr. CONNOLLY, Mr. POLIS, Mr. PALLONE, Mr. KENNEDY, Ms. LORETTA SANCHEZ of California, Mr. SCHRADER, Mr. BISHOP of New York, Ms. SLAUGHTER, Mr. GUTIÉRREZ, Ms. DEGETTE, Mr. DANNY K. DAVIS of Illinois, Mr. AL GREEN of Texas, and Mr. HOLT) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, 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 Act may be cited as the “Homeowner Flood In-

5       surance Affordability Act of 2013”.

6       **SEC. 2. DEFINITIONS.**

7       As used in this Act, the following definitions shall

8       apply:

9               (1) **ADJUSTED BASE FLOOD ELEVATION.**—For

10       purposes of rating a floodproofed covered structure,

11       the term “adjusted base flood elevation” means the

12       base flood elevation for a covered structure on the

13       applicable effective flood insurance rate map, plus 1

14       foot.

15               (2) **ADMINISTRATOR.**—The term “Adminis-

16       trator” means the Administrator of the Federal

17       Emergency Management Agency.

18               (3) **AFFORDABILITY AUTHORITY BILL.**—The

19       term “affordability authority bill” means a non-

20       amendable bill that if enacted would only grant the

21       Administrator the authority necessary to promulgate

1 regulations in accordance with the criteria set forth  
2 in section 3(d)(2).

3 (4) AFFORDABILITY STUDY.—The term “af-  
4 fordability study” means the study required under  
5 section 100236 of the Biggert-Waters Flood Insur-  
6 ance Reform Act of 2012 (Public Law 112–141; 126  
7 Stat. 957).

8 (5) APPLICABLE FLOOD PLAIN MANAGEMENT  
9 MEASURES.—The term “applicable flood plain man-  
10 agement measures” means flood plain management  
11 measures adopted by a community under section  
12 60.3(c) of title 44, Code of Federal Regulations.

13 (6) COVERED STRUCTURE.—The term “covered  
14 structure” means a residential structure—

15 (A) that is located in a community that  
16 has adopted flood plain management measures  
17 that are approved by the Federal Emergency  
18 Management Agency and that satisfy the re-  
19 quirements for an exception for floodproofed  
20 residential basements under section 60.6(c) of  
21 title 44, Code of Federal Regulations; and

22 (B) that was built in compliance with the  
23 applicable flood plain management measures.

24 (7) DRAFT AFFORDABILITY FRAMEWORK.—The  
25 term “draft affordability framework” means the

1 draft programmatic and regulatory framework re-  
 2 quired to be prepared by the Administrator and sub-  
 3 mitted to Congress under section 3(d) addressing  
 4 the issues of affordability of flood insurance sold  
 5 under the National Flood Insurance Program, in-  
 6 cluding issues identified in the affordability study.

7 (8) FLOODPROOFED ELEVATION.—The term  
 8 “floodproofed elevation” means the height of  
 9 floodproofing on a covered structure, as identified on  
 10 the Residential Basement Floodproofing Certificate  
 11 for the covered structure.

12 (9) NATIONAL FLOOD INSURANCE PROGRAM.—  
 13 The term “National Flood Insurance Program”  
 14 means the program established under the National  
 15 Flood Insurance Act of 1968 (42 U.S.C. 4001 et  
 16 seq.).

17 **SEC. 3. DELAYED IMPLEMENTATION OF FLOOD INSURANCE**  
 18 **RATE INCREASES; DRAFT AFFORDABILITY**  
 19 **FRAMEWORK.**

20 (a) DELAYED IMPLEMENTATION OF FLOOD INSUR-  
 21 ANCE RATE INCREASES.—

22 (1) GRANDFATHERED PROPERTIES.—Beginning  
 23 on the date of enactment of this Act, the Adminis-  
 24 trator may not increase risk premium rates for flood  
 25 insurance for any property located in an area subject

1 to the premium adjustment required under section  
2 1308(h) of the National Flood Insurance Act of  
3 1968 (42 U.S.C. 4015(h)).

4 (2) PRE-FIRM PROPERTIES.—Beginning on the  
5 date of enactment of this Act, the Administrator  
6 may not reduce the risk premium rate subsidies for  
7 flood insurance for any property—

8 (A) described under section 1307(g)(1) of  
9 the National Flood Insurance Act of 1968 (42  
10 U.S.C. 4014(g)(1)); or

11 (B) described under 1307(g)(3) of the Na-  
12 tional Flood Insurance Act of 1968 (42 U.S.C.  
13 4014(g)(3)), provided that the decision of the  
14 policy holder to permit a lapse in flood insur-  
15 ance coverage was as a result of the property  
16 no longer being required to retain such cov-  
17 erage.

18 (3) EXPIRATION.—The prohibitions set forth  
19 under paragraphs (1) and (2) shall expire 6 months  
20 after the later of—

21 (A) the date on which the Administrator  
22 proposes the draft affordability framework;

23 (B) the date on which any regulations pro-  
24 posed pursuant to the authority that the Ad-  
25 ministrator is granted in the affordability au-

1           thority bill, if such bill is enacted, become final;  
2           or

3                   (C) the date on which the Administrator  
4           certifies in writing to Congress that the Federal  
5           Emergency Management Agency has imple-  
6           mented a flood mapping approach that utilizes  
7           sound scientific and engineering methodologies  
8           to determine varying levels of flood risk in all  
9           areas participating in the National Flood Insur-  
10          ance Program.

11          (b) PROPERTY SALE TRIGGER.—Section 1307(g)(2)  
12 of the National Flood Insurance Act of 1968 (42 U.S.C.  
13 4014(g)(2)) is amended to read as follows:

14                   “(2) any property purchased after the expira-  
15          tion of the 6-month period set forth under section  
16          3(a)(3) of the Homeowner Flood Insurance Afford-  
17          ability Act of 2013;”.

18          (c) TREATMENT OF PRE-FIRM PROPERTIES.—Be-  
19          ginning on the date of enactment of this Act and ending  
20          upon the expiration of the 6-month period set forth under  
21          subsection (a)(3), the Administrator shall restore the risk  
22          premium rate subsidies for flood insurance estimated  
23          under section 1307(a)(2) of the National Flood Insurance  
24          Act of 1968 (42 U.S.C. 4014(a)(2)) for any property de-  
25          scribed in subparagraphs (A) and (B) of subsection (a)(2)

1 of this Act and in section 1307(g)(2) of the National  
2 Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)).

3 (d) DRAFT AFFORDABILITY FRAMEWORK.—

4 (1) IN GENERAL.—The Administrator shall pre-  
5 pare a draft affordability framework that proposes  
6 to address, via programmatic and regulatory  
7 changes, the issues of affordability of flood insur-  
8 ance sold under the National Flood Insurance Pro-  
9 gram, including issues identified in the affordability  
10 study.

11 (2) CRITERIA.—In carrying out the require-  
12 ments under paragraph (1), the Administrator shall  
13 consider the following criteria:

14 (A) Accurate communication to consumers  
15 of the flood risk associated with their property.

16 (B) Targeted assistance to flood insurance  
17 policy holders based on their financial ability to  
18 continue to participate in the National Flood  
19 Insurance Program.

20 (C) Individual or community actions to  
21 mitigate the risk of flood or lower the cost of  
22 flood insurance.

23 (D) The impact of increases in risk pre-  
24 mium rates on participation in the National  
25 Flood Insurance Program.

1           (E) The impact flood insurance rate map  
2           updates have on the affordability of flood insur-  
3           ance.

4           (3) DEADLINE FOR SUBMISSION.—Not later  
5           than 18 months after the date on which the Admin-  
6           istrator submits the affordability study, the Admin-  
7           istrator shall submit to the full Committee on Bank-  
8           ing, Housing, and Urban Affairs and the full Com-  
9           mittee on Appropriations of the Senate and the full  
10          Committee on Financial Services and the full Com-  
11          mittee on Appropriations of the House of Represent-  
12          atives the draft affordability framework.

13          (e) CONGRESSIONAL CONSIDERATION OF FEMA AF-  
14          FORDABILITY AUTHORITIES.—

15               (1) NO REFERRAL.—Upon introduction in ei-  
16               ther House of Congress, an affordability authority  
17               bill shall not be referred to a committee and shall  
18               immediately be placed on the calendar.

19               (2) CONSIDERATION IN THE HOUSE OF REP-  
20               RESENTATIVES.—

21                       (A) PROCEEDING TO CONSIDERATION.—It  
22                       shall be in order to move to proceed to consider  
23                       the affordability authority bill in the House. All  
24                       points of order against the motion are waived.  
25                       Such a motion shall not be in order after the



1 House has disposed of a motion to proceed with  
2 respect to the affordability authority bill. The  
3 previous question shall be considered as ordered  
4 on the motion to its adoption without inter-  
5 vening motion. The motion shall not be debat-  
6 able. A motion to reconsider the vote by which  
7 the motion is disposed of shall not be in order.

8 (B) CONSIDERATION.—The affordability  
9 authority bill shall be considered as read. All  
10 points of order against the affordability author-  
11 ity bill and against its consideration are waived.  
12 The previous question shall be considered as or-  
13 dered on the affordability authority bill to its  
14 passage without intervening motion except 10  
15 hours of debate equally divided and controlled  
16 by the proponent and an opponent. A motion to  
17 reconsider the vote on passage of the afford-  
18 ability authority bill shall not be in order.

19 (3) CONSIDERATION IN THE SENATE.—

20 (A) PLACEMENT ON THE CALENDAR.—  
21 Upon introduction in the Senate, an afford-  
22 ability authority bill shall be immediately placed  
23 on the calendar.

24 (B) FLOOR CONSIDERATION.—Notwith-  
25 standing Rule XXII of the Standing Rules of

1 the Senate, it is in order, at any time beginning  
2 on the day after the 6th day after the date of  
3 introduction of an affordability authority bill  
4 (even if a previous motion to the same effect  
5 has been disagreed to) to move to proceed to  
6 the consideration of the affordability authority  
7 bill and all points of order against consideration  
8 of the affordability authority bill are waived.  
9 The motion to proceed is not debatable. The  
10 motion is not subject to a motion to postpone.  
11 A motion to reconsider the vote by which the  
12 motion is agreed to or disagreed to shall not be  
13 in order. If a motion to proceed to the consider-  
14 ation of the affordability authority bill is agreed  
15 to, the affordability authority bill shall remain  
16 the unfinished business until disposed of.

17 (C) CONSIDERATION.—All points of order  
18 against the affordability authority bill are  
19 waived. Consideration of the affordability au-  
20 thority bill and of all debatable motions and ap-  
21 peals in connection therewith shall be limited to  
22 not more than 10 hours which shall be divided  
23 equally between the majority and minority lead-  
24 ers or their designees. A motion further to limit

1 debate on the affordability authority bill is in  
2 order, and is not debatable.

3 (D) NO AMENDMENTS.—An amendment to  
4 the affordability authority bill, or a motion to  
5 postpone, or a motion to proceed to the consid-  
6 eration of other business, or a motion to com-  
7 mit or recommit the affordability authority bill,  
8 is not in order.

9 (E) VOTE ON PASSAGE.—If the Senate has  
10 voted to proceed to the affordability authority  
11 bill, the vote on passage of the affordability au-  
12 thority bill shall occur immediately following the  
13 conclusion of consideration of the affordability  
14 authority bill, and a single quorum call at the  
15 conclusion of the debate if requested in accord-  
16 ance with the rules of the Senate.

17 (4) AMENDMENT.—The affordability authority  
18 bill shall not be subject to amendment in either the  
19 House of Representatives or the Senate.

20 (5) CONSIDERATION BY THE OTHER HOUSE.—

21 (A) IN GENERAL.—If, before passing the  
22 affordability authority bill, one House receives  
23 from the other an affordability authority bill—

1 (i) the affordability authority bill of  
2 the other House shall not be referred to a  
3 committee; and

4 (ii) the procedure in the receiving  
5 House shall be the same as if no afford-  
6 ability authority bill had been received  
7 from the other House except that the vote  
8 on passage shall be on the affordability au-  
9 thority bill of the other House.

10 (B) REVENUE MEASURE.—This subsection  
11 shall not apply to the House of Representatives  
12 if the affordability authority bill received from  
13 the Senate is a revenue measure.

14 (6) COORDINATION WITH ACTION BY OTHER  
15 HOUSE.—

16 (A) TREATMENT OF AFFORDABILITY AU-  
17 THORITY BILL OF OTHER HOUSE.—If the Sen-  
18 ate fails to introduce or consider a affordability  
19 authority bill under this section, the afford-  
20 ability authority bill of the House shall be enti-  
21 tled to expedited floor procedures under this  
22 section.

23 (B) TREATMENT OF COMPANION MEAS-  
24 URES IN THE SENATE.—If following passage of  
25 the affordability authority bill in the Senate,

1 the Senate then receives the affordability au-  
2 thority bill from the House of Representatives,  
3 the House-passed affordability authority bill  
4 shall not be debatable.

5 (C) VETOES.—If the President vetoes the  
6 affordability authority bill, debate on a veto  
7 message in the Senate under this section shall  
8 be 1 hour equally divided between the majority  
9 and minority leaders or their designees.

10 (7) RULES OF THE HOUSE OF REPRESENTA-  
11 TIVES AND SENATE.—This subsection is enacted by  
12 Congress—

13 (A) as an exercise of the rulemaking power  
14 of the Senate and the House of Representa-  
15 tives, respectively, and as such it is deemed a  
16 part of the rules of each House, respectively,  
17 but applicable only with respect to the proce-  
18 dure to be followed in that House in the case  
19 of an affordability authority bill, and it super-  
20 sedes other rules only to the extent that it is in-  
21 consistent with such rules; and

22 (B) with full recognition of the constitu-  
23 tional right of either House to change its rules  
24 at any time, in the same manner, and to the

1 same extent as in the case of any other rule of  
2 that House.

3 (f) INTERAGENCY AGREEMENTS.—The Adminis-  
4 trator may enter into an agreement with another Federal  
5 agency to—

6 (1) complete the affordability study; or

7 (2) prepare the draft affordability framework.

8 (g) CLEAR COMMUNICATIONS.—The Administrator  
9 shall clearly communicate full flood risk determinations to  
10 individual property owners regardless of whether their pre-  
11 mium rates are full actuarial rates.

12 (h) RULE OF CONSTRUCTION.—Nothing in this sec-  
13 tion shall be construed to provide the Administrator with  
14 the authority to provide assistance to homeowners based  
15 on affordability that was not available prior to the enact-  
16 ment of the Biggert-Waters Flood Insurance Reform Act  
17 of 2012 (Public Law 112–141; 126 Stat. 916).

18 **SEC. 4. AFFORDABILITY STUDY AND REPORT.**

19 Notwithstanding the deadline under section  
20 100236(c) of the Biggert-Waters Flood Insurance Reform  
21 Act of 2012 (Public Law 112–141; 126 Stat. 957), not  
22 later than 2 years after the date of enactment of this Act,  
23 the Administrator shall submit to the full Committee on  
24 Banking, Housing, and Urban Affairs and the full Com-  
25 mittee on Appropriations of the Senate and the full Com-

1 mittee on Financial Services and the full Committee on  
2 Appropriations of the House of Representatives the af-  
3 fordability study and report required under such section.

4 **SEC. 5. AFFORDABILITY STUDY FUNDING.**

5 Section 100236(d) of the Biggert-Waters Flood In-  
6 surance Reform Act of 2012 (Public Law 112–141; 126  
7 Stat. 957) is amended by striking “not more than  
8 \$750,000” and inserting “such amounts as may be nec-  
9 essary”.

10 **SEC. 6. FUNDS TO REIMBURSE HOMEOWNERS FOR SUC-**  
11 **CESSFUL MAP APPEALS.**

12 (a) IN GENERAL.—Section 1363(f) of the National  
13 Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is  
14 amended by striking the second sentence and inserting the  
15 following: “The Administrator may use such amounts  
16 from the National Flood Insurance Fund established  
17 under section 1310 as may be necessary to carry out this  
18 subsection.”.

19 (b) CONFORMING AMENDMENT.—Section 1310(a) of  
20 the National Flood Insurance Act of 1968 (42 U.S.C.  
21 4017(a)) is amended—

22 (1) in paragraph (6), by striking “and” at the  
23 end;

24 (2) in paragraph (7), by striking the period at  
25 the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(8) for carrying out section 1363(f).”.

3 **SEC. 7. FLOOD PROTECTION SYSTEMS.**

4 (a) ADEQUATE PROGRESS ON CONSTRUCTION OF  
5 FLOOD PROTECTION SYSTEMS.—Section 1307(e) of the  
6 National Flood Insurance Act of 1968 (42 U.S.C.  
7 4014(e)) is amended—

8 (1) in the first sentence, by inserting “or recon-  
9 struction” after “construction”;

10 (2) by amending the second sentence to read as  
11 follows: “The Administrator shall find that adequate  
12 progress on the construction or reconstruction of a  
13 flood protection system, based on the present value  
14 of the completed flood protection system, has been  
15 made only if (1) 100 percent of the cost of the sys-  
16 tem has been authorized, (2) at least 60 percent of  
17 the cost of the system has been appropriated, (3) at  
18 least 50 percent of the cost of the system has been  
19 expended, and (4) the system is at least 50 percent  
20 completed.”; and

21 (3) by adding at the end the following: “Not-  
22 withstanding any other provision of law, in deter-  
23 mining whether a community has made adequate  
24 progress on the construction, reconstruction, or im-  
25 provement of a flood protection system, the Adminis-



1       trator shall consider all sources of funding, including  
2       Federal, State, and local funds.”.

3       (b) **COMMUNITIES RESTORING DISACCREDITED**  
4 **FLOOD PROTECTION SYSTEMS.**—Section 1307(f) of the  
5 National Flood Insurance Act of 1968 (42 U.S.C.  
6 4014(f)) is amended by amending the first sentence to  
7 read as follows: “Notwithstanding any other provision of  
8 law, this subsection shall apply to riverine and coastal lev-  
9 ees that are located in a community which has been deter-  
10 mined by the Administrator of the Federal Emergency  
11 Management Agency to be in the process of restoring flood  
12 protection afforded by a flood protection system that had  
13 been previously accredited on a Flood Insurance Rate Map  
14 as providing 100-year frequency flood protection but no  
15 longer does so, and shall apply without regard to the level  
16 of Federal funding of or participation in the construction,  
17 reconstruction, or improvement of the flood protection sys-  
18 tem.”.

19 **SEC. 8. TREATMENT OF FLOODPROOFED RESIDENTIAL**  
20 **BASEMENTS.**

21       Notwithstanding the Biggert-Waters Flood Insurance  
22 Reform Act of 2012 (Public Law 112–141; 126 Stat.  
23 916), the amendments made by that Act, or any other pro-  
24 vision of law, the Administrator shall rate a covered struc-  
25 ture using the elevation difference between the

1 floodproofed elevation of the covered structure and the ad-  
2 justed base flood elevation of the covered structure.

3 **SEC. 9. DESIGNATION OF FLOOD INSURANCE ADVOCATE.**

4 (a) IN GENERAL.—The Administrator shall designate  
5 a Flood Insurance Advocate to advocate for the fair treat-  
6 ment of policy holders under the National Flood Insurance  
7 Program and property owners in the mapping of flood  
8 hazards, the identification of risks from flood, and the im-  
9 plementation of measures to minimize the risk of flood.

10 (b) DUTIES AND RESPONSIBILITIES.—The duties  
11 and responsibilities of the Flood Insurance Advocate des-  
12 ignated under subsection (a) shall be to—

13 (1) educate property owners and policyholders  
14 under the National Flood Insurance Program on—

15 (A) individual flood risks;

16 (B) flood mitigation;

17 (C) measures to reduce flood insurance  
18 rates through effective mitigation; and

19 (D) the flood insurance rate map review  
20 and amendment process;

21 (2) assist policy holders under the National  
22 Flood Insurance Program and property owners to  
23 understand the procedural requirements related to  
24 appealing preliminary flood insurance rate maps and

1 implementing measures to mitigate evolving flood  
2 risks;

3 (3) assist in the development of regional capac-  
4 ity to respond to individual constituent concerns  
5 about flood insurance rate map amendments and re-  
6 visions;

7 (4) coordinate outreach and education with  
8 local officials and community leaders in areas im-  
9 pacted by proposed flood insurance rate map amend-  
10 ments and revisions; and

11 (5) aid potential policy holders under the Na-  
12 tional Flood Insurance Program in obtaining and  
13 verifying accurate and reliable flood insurance rate  
14 information when purchasing or renewing a flood in-  
15 surance policy.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated for each fiscal year such  
18 sums as may be necessary to carry out the duties and re-  
19 sponsibilities of the Flood Insurance Advocate.

○