S. 1098

To reform the Biggert-Waters Flood Insurance Reform Act of 2012 to responsibly protect homeownership.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2013

Mr. Vitter (for himself and Mr. Cochran) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To reform the Biggert-Waters Flood Insurance Reform Act of 2012 to responsibly protect homeownership.

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 “Responsible Implementation of Flood Insurance Reform Act of 2013”.
SEC. 2. CLARIFICATION ON APPLICATION OF CERTAIN PRE-
MIUM ADJUSTMENTS UNDER THE BIGGERT-
WATERS FLOOD INSURANCE REFORM ACT OF
2012.

(a) CLARIFICATION.—Section 1308(h) of the Na-
tional Flood Insurance Act of 1968 (42 U.S.C. 4015(h))
is amended—

(1) by striking “Notwithstanding” and insert-
ing “(1) IN GENERAL.—Notwithstanding”; and

(2) by adding at the end the following:

“(2) APPLICABILITY.—The requirements under
paragraph (1) shall only apply with respect to any
property located in an area—

“(A) that is participating in the national
flood insurance program; and

“(B) for which the Administrator has pub-
lished in the Federal Register projected base
flood elevations and designations of areas hav-
ing special flood hazards under section 1363(a)
on or after December 31, 2013.”.

(b) EFFECTIVE DATE.—The amendments made by
subsection (a) shall take effect as if enacted as part of
the Biggert-Waters Flood Insurance Reform Act of 2012
(Public Law 112–141; 126 Stat. 916).
SEC. 3. PHASE-IN OF ACTUARIAL RATES FOR NEWLY PURCHASED HOMES.

(a) In General.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

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

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

(3) by adding at the end the following:

“(3) not subject to the phase-in requirement under paragraph (2), which are sold on or after the date of enactment of the Biggert-Waters Flood Insurance Reform Act of 2012, and notwithstanding the requirements of section 1307(g), shall be increased by 20 percent each year, beginning in the year after the first such sale, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described in paragraph (1).”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).
SEC. 4. LOCAL CHOICE TO PROTECT HOMEOWNERS.

The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended by inserting after section 1308 the following:

“SEC. 1308A. STATE AND LOCAL GOVERNMENT FLEXIBILITY.

“(a) IN GENERAL.—The Administrator shall establish a means by which a State or local government may, on its own accord or in conjunction with other State or local governments, submit such payments to the Administrator as are necessary to fully cover the cost of any premium for any property within the jurisdiction of the State or local government.

“(b) RISK PREMIUM RATE.—The Administrator shall require that the amount of any payment from a State or local government under subsection (a) be consistent with sections 1307 and 1308.”.

SEC. 5. MITIGATION ASSISTANCE FOR HOMEOWNERS.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(f) SPECIAL PROVISION RELATING TO FLOOD MITIGATION.—

“(1) DEFINITION.—In this subsection, the term ‘eligible property’ means—

“(A) a property—
“(i) described in paragraph (1) or (2)
of section 1307(g) of the National Flood
Insurance Act of 1968 (42 U.S.C.
4014(g));
“(ii) for which a policy under the
flood insurance program has lapsed in cov-
erage, as a result of the deliberate choice
of the holder of such policy, as described in
paragraph (3) of section 1307(g) of the
National Flood Insurance Act of 1968 (42
U.S.C. 4014(g)); or
“(iii) with respect to which a prospec-
tive insured refuses to accept any offer for
mitigation assistance by the Administrator
of the Federal Emergency Management
Agency (including an offer to relocate), as
described in paragraph (4) of section
1307(g) of the National Flood Insurance
Act of 1968 (42 U.S.C. 4014(g)); and
“(B) a property for which the risk pre-
mium rate for flood insurance coverage under
the National Flood Insurance Program in-
creases under section 1308(h) of the National
Flood Insurance Act of 1968 (42 U.S.C.
4015(h)) on or after July 6, 2012.
“(2) Mitigation against future flooding.—In providing hazard mitigation assistance under this section in connection with flooding, the Administrator of the Federal Management Agency shall ensure that not less than 25 percent of the estimated aggregate amount of such assistance provided to a grant recipient is used to elevate, acquire, or relocate eligible properties, to the extent that eligible properties exist within the jurisdiction of the grant recipient.”.

SEC. 6. CONSTRUCTION AND RESTORATION OF FLOOD PROTECTION SYSTEMS.

(a) Adequate Progress on Construction of Flood Protection Systems.—Section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)) is amended by inserting after the second sentence the following: “Notwithstanding any other provision of law, in determining whether a community has made adequate progress on the construction, reconstruction, or improvement of a flood protection system, the Administrator shall not consider the level of Federal funding of or participation in the construction, reconstruction, or improvement.”.

(b) Communities Restoring Disaccredited Flood Protection Systems.—Section 1307(f) of the
National Flood Insurance Act of 1968 (42 U.S.C. 4014(f)) is amended in the first sentence by striking “no longer does so.” and inserting the following: “no longer does so, and shall apply without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement of the flood protection system.”

SEC. 7. APPROPRIATE CREDIT FOR FLOOD CONTROL STRUCTURES.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following:

“(k) ACTUAL PROTECTION PROVIDED BY LEVEE SYSTEMS.—The Administrator may not issue a flood insurance rate map or an update to a flood insurance rate map for an area unless—

“(1) the flood insurance rate map or update adequately reflects the protection provided by any levee system in the area against the base flood, regardless of the accreditation status of the levee system under section 65.10 of title 44, Code of Federal Regulations, or any successor thereto; or

“(2) the community in which any levee system in the area is located elects not to provide the data necessary for the Administrator to issue a flood insurance rate map or update that adequately reflects
the protection provided by the levee system against the base flood.”