

107TH CONGRESS
1ST SESSION

H. R. 2091

To amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2001

Mr. STARK (for himself, Mr. BOYD, Mr. FILNER, Mr. ISSA, Mr. LANTOS, Mr. OTTER, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, and Ms. SANCHEZ) 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 ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes.

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 “National Flood Insur-
5 ance Program Fairness Act”.

1 **SEC. 2. NOTIFICATION AND APPEAL OF MAP CHANGES.**

2 Subsection (h) of section 1360 of the National Flood
3 Insurance Act of 1968 (42 U.S.C. 4101(h)) is amended
4 to read as follows:

5 “(h) NOTIFICATION AND APPEAL OF FLOOD MAP
6 CHANGES BY COMMUNITY.—

7 “(1) NOTIFICATION.—In the case of any change
8 to flood insurance map panels, including any change
9 in the form of a letter of map amendment or a letter
10 of map revision, the Director shall provide notice of
11 such change by—

12 “(A) providing the chief executive officer of
13 each community affected by the change, by reg-
14 istered mail, a copy of the revised maps for
15 such community and a statement explaining the
16 process under this subsection to appeal to the
17 Director for changes in such revised maps; and

18 “(B) causing notice of such changes to be
19 published in the Federal Register, which notice
20 shall include information sufficient to identify
21 the communities affected and the changes
22 made, information explaining how to obtain
23 copies of the changes and revisions, and a state-
24 ment explaining the process under this sub-
25 section to appeal to the Director for changes in
26 such revised maps.

1 “(2) APPEALS.—With respect to any change to
2 a flood insurance map panel, during the 30-day pe-
3 riod beginning upon the occurrence of the last of the
4 actions required under subparagraphs (A) and (B)
5 of paragraph (1), a community affected by the
6 change may appeal the change by submitting an ob-
7 jection to the change, in writing, to the Director.
8 Such an objection may provide additional evidence
9 relating to the objection or a request for additional
10 time to obtain information related to the objection.
11 The right of a community to appeal a change to
12 flood insurance map panels under this subsection
13 shall be in addition to any right or opportunity for
14 a community to appeal such a change under section
15 1363.

16 “(3) RESPONSE TO APPEAL.—During the 30-
17 day period that begins upon the receipt by the Di-
18 rector of an objection pursuant to paragraph (2), the
19 Director shall determine whether to deny the objec-
20 tion, revise the changes to the flood insurance map
21 panels in response to the objection, or to grant addi-
22 tional time to the community to obtain evidence re-
23 lated to the objection. Immediately upon making
24 such determination, the Director shall notify the

1 chief executive officer of the community, in writing
2 and by registered mail, of such determination.

3 “(4) ADDITIONAL TIME.—If the Director grants
4 a community additional time to obtain evidence re-
5 lated to the objection—

6 “(A) the notification pursuant to para-
7 graph (3) shall state the amount of time grant-
8 ed; and

9 “(B) during the 30-day period beginning
10 upon the earlier of the submission of such evi-
11 dence or the expiration of such additional time
12 granted, the Director shall determine whether
13 to deny the objection or revise the changes to
14 flood insurance map panels in response to the
15 objection.

16 Immediately upon making such determination, the
17 Director shall notify the chief executive officer of the
18 community, in writing and by registered mail, of
19 such determination.

20 “(5) NOTIFICATION TO HOMEOWNERS.—

21 “(A) IN GENERAL.—Not later than 30
22 days after any final determination described in
23 subparagraph (B), the Director shall, by first
24 class mail, provide written notification, to each
25 owner of real property affected by the change to

1 flood insurance map panels resulting from such
2 determination, of—

3 “(i) the status of such property with
4 respect to flood zone and flood insurance
5 purchase requirements under this Act and
6 the Flood Disaster Protection Act of 1973;
7 and

8 “(ii) information regarding how and
9 where to obtain any coverage required and
10 the estimated cost of such coverage.

11 “(B) FINAL DETERMINATIONS.—A final
12 determination described in this subparagraph
13 is—

14 “(i) the expiration of the period under
15 paragraph (2) without receipt by the Di-
16 rector of an objection in accordance with
17 such paragraph;

18 “(ii) a determination pursuant to
19 paragraph (3) or (4)(B) to deny an objec-
20 tion; or

21 “(iii) a determination pursuant to
22 paragraph (3) or (4)(B) to revise the
23 changes to flood insurance map panels in
24 response to the objection in a manner such

1 that such panels are altered from the pan-
2 els in effect before such changes.

3 “(6) EFFECTIVE DATE OF CHANGES.—A
4 change to a flood insurance map panel shall take
5 effect—

6 “(A) with respect to any property for
7 which such change results in the initial applica-
8 bility of any requirement under this Act or the
9 Flood Disaster Protection Act of 1973 to pur-
10 chase flood insurance for the property, upon the
11 expiration of the 6-month period beginning
12 upon the date that notice under paragraph (5)
13 is mailed to the owner of such property; and

14 “(B) with respect to any property for
15 which such change results in elimination of any
16 such purchase requirement or decreases the
17 cost of coverage required, immediately upon the
18 final determination under paragraph (5) re-
19 garding such change.”.

20 **SEC. 3. REIMBURSEMENT OF PROPERTY OWNERS FOR**
21 **COSTS INCURRED IN REQUESTS TO REMOVE**
22 **PROPERTY FROM BASE FLOOD ELEVATIONS.**

23 Section 1360 of the National Flood Insurance Act of
24 1968 (42 U.S.C. 4101) is amended by adding at the end
25 the following new subsection:

1 “(k) REIMBURSEMENT OF PROPERTY OWNERS FOR
 2 COSTS INCURRED IN REQUESTS TO REMOVE PROPERTY
 3 FROM BASE FLOOD ELEVATIONS.—If an owner of a real
 4 property incurs expense in connection with the services of
 5 surveyors, engineers, or similar services, but not including
 6 legal services, in effecting any request to the Director to
 7 remove the property from inclusion within the base flood
 8 elevations established under flood insurance map panels,
 9 and the Director grants such request in whole or in part,
 10 the Director shall reimburse such individual for such ex-
 11 pense. The amount of such reimbursement shall be deter-
 12 mined by the Director, based on the ratio of the successful
 13 portion of the request as compared to the entire request.
 14 The Director shall apply such ratio to the average cost
 15 of such services in the community for jobs of a similar
 16 size.”.

17 **SEC. 4. NOTIFICATION OF ESTABLISHMENT OF FLOOD ELE-**
 18 **VATIONS.**

19 Section 1363 of the National Flood Insurance Act of
 20 1968 (42 U.S.C. 4104) is amended by striking the section
 21 designation and all that follows through the end of sub-
 22 section (a) and inserting the following:

23 “SEC. 1363. (a) In establishing projected flood ele-
 24 vations for land use purposes with respect to any commu-

1 nity pursuant to section 1361, the Director shall first pro-
2 pose such determinations—

3 “(1) by providing the chief executive officer of
4 each community affected by the proposed elevations,
5 by registered mail, notice of the elevations, including
6 a copy of the maps for the elevations for such com-
7 munity and a statement explaining the process
8 under this section to appeal for changes in such ele-
9 vations;

10 “(2) by causing notice of such elevations to be
11 published in the Federal Register, which notice shall
12 include information sufficient to identify the ele-
13 vation determinations and the communities affected,
14 information explaining how to obtain copies of the
15 elevations, and a statement explaining the process
16 under this section to appeal for changes in the ele-
17 vations; and

18 “(3) by publishing the elevations in a prominent
19 local newspaper.”.

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