

109TH CONGRESS
2D SESSION

S. 2343

To authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2006

Mr. PRYOR introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, 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 “Hope Housing Act of
5 2006”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “authorized placement” means
2 placing a covered manufactured home as authorized
3 by subparagraph (A), (B), or (C) of section 3(a)(1);

4 (2) the term “base flood” means the flood
5 which has a 1 percent chance of being equaled or ex-
6 ceeded in any given year;

7 (3) the term “costal high hazard area” means
8 an area subject to high velocity waters, including
9 hurricane wave wash or a tsunami;

10 (4) the term “covered civil action” means a civil
11 action against the Federal Government for damages
12 related to the flooding of a covered manufactured
13 home that is the subject of an authorized placement;

14 (5) the term “covered manufactured home”
15 means a manufactured home purchased by the Fed-
16 eral Emergency Management Agency during the pe-
17 riod beginning on August 1, 2005, and ending on
18 the date of enactment of this Act;

19 (6) the term “Director” means the Director of
20 the Federal Emergency Management Agency;

21 (7) the term “flood” means a general and tem-
22 porary condition of partial or complete inundation of
23 normally dry land areas from—

24 (A) the overflow of inland or tidal waters;

25 or

1 (B) the unusual and rapid accumulation or
 2 runoff of surface waters from any source;

3 (8) the term “flood plain” means an area which
 4 has a .2 percent chance of being flooded in any given
 5 year;

6 (9) the term “floodway” means that portion of
 7 the flood plain which—

8 (A) provides for the discharge of the base
 9 flood so the cumulative increase in water sur-
 10 face elevation is no more than 12 inches; and

11 (B) is effective in carrying flow, within
 12 which this carrying capacity shall be preserved
 13 and where the flood hazard is generally highest;
 14 and

15 (10) the term “manufactured home” has the
 16 same meaning as in section 603 of the Manufac-
 17 tured Home Construction and Safety Standards Act
 18 of 1974 (42 U.S.C. 5402).

19 **SEC. 3. EMERGENCY HOUSING FOR VICTIMS.**

20 (a) USE OF MANUFACTURED HOMES.—

21 (1) IN GENERAL.—Notwithstanding any other
 22 provision of law, including section 9.13 of title 44,
 23 Code of Federal Regulations (or any corresponding
 24 similar regulation or ruling), the Director may place
 25 a covered manufactured home—

1 (A) in a floodway or costal high hazard
2 area;

3 (B) in a flood plain, without elevating such
4 home up to the base flood level; or

5 (C) in a flood plain, without complying
6 with—

7 (i) the decision-making process re-
8 quired under section 9.6 of title 44, Code
9 of Federal Regulations (or any cor-
10 responding similar regulation or ruling);
11 and

12 (ii) the mitigation requirements under
13 section 9.11 of title 44, Code of Federal
14 Regulations (or any corresponding similar
15 regulation or ruling).

16 (2) TYPES OF USE.—Any authorized placement
17 shall be used to house an individual displaced by
18 Hurricane Katrina of 2005 or Hurricane Rita of
19 2005.

20 (3) PROMOTIONAL MATERIALS.—The Director
21 shall make appropriate changes to any promotional
22 materials to reflect, and otherwise publicize, the au-
23 thorization in this subsection.

1 (4) RULE OF CONSTRUCTION.—Nothing in this
2 subsection shall be construed to prohibit any other
3 lawful use of a covered manufactured home.

4 (b) LIABILITY.—

5 (1) IN GENERAL.—If the Director makes an au-
6 thorized placement, a covered civil action relating to
7 the covered manufactured home involved in such au-
8 thorized placement may not be brought in any Fed-
9 eral or State court.

10 (2) NOTICE.—The Director shall provide any
11 person to whom the Director provides a covered
12 manufactured home as part of an authorized place-
13 ment with written notice of—

14 (A) the potential risks associated with such
15 placement; and

16 (B) the limitations on liability under para-
17 graph (1).

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