

109TH CONGRESS
2D SESSION

S. 2619

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

APRIL 7, 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 (including a
12 civil action against the Director) for damages related
13 to the flooding of a covered manufactured home that
14 is the subject of an authorized placement;

15 (5) the term “covered individual” means an in-
16 dividual displaced by Hurricane Katrina of 2005 or
17 Hurricane Rita of 2005;

18 (6) the term “covered manufactured home”
19 means a manufactured home purchased by the Fed-
20 eral Emergency Management Agency during the pe-
21 riod beginning on August 1, 2005, and ending on
22 the date of enactment of this Act;

23 (7) the term “Director” means the Director of
24 the Federal Emergency Management Agency;

1 (8) the term “flood” means a general and tem-
2 porary condition of partial or complete inundation of
3 normally dry land areas from—

4 (A) the overflow of inland or tidal waters;
5 or

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

8 (9) the term “flood plain” means an area which
9 has a 1 percent chance of being flooded in any given
10 year;

11 (10) the term “floodway” means that portion of
12 the flood plain which—

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

16 (B) is effective in carrying flow, within
17 which this carrying capacity shall be preserved
18 and where the flood hazard is generally highest;
19 and

20 (11) the term “manufactured home” has the
21 same meaning as in section 603 of the Manufac-
22 tured Home Construction and Safety Standards Act
23 of 1974 (42 U.S.C. 5402).

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

25 (a) **USE OF MANUFACTURED HOMES.—**

(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding any other provision of law (including section 9.13 of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling)), upon receiving a request from, or on behalf of, a covered individual, the Director shall place a covered manufactured home—

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

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

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

(i) the decision-making process required under section 9.6 of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling); and

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

(2) EVACUATION PLANS.—The Director may not make an authorized placement, unless the Director has received an evacuation plan from State or

1 local government officials that includes the area in
2 which the covered placement will be made.

3 (3) TYPES OF USE.—Any authorized placement
4 shall be used to house covered individuals.

5 (4) PROMOTIONAL MATERIALS.—The Director
6 shall make appropriate changes to any promotional
7 materials to reflect, and otherwise publicize, the au-
8 thorization in this subsection.

9 (5) RULE OF CONSTRUCTION.—Nothing in this
10 subsection shall be construed to prohibit any other
11 lawful use of a covered manufactured home.

12 (b) LIABILITY.—

13 (1) IN GENERAL.—If the Director makes an au-
14 thorized placement, a covered civil action relating to
15 the covered manufactured home involved in such au-
16 thorized placement may not be brought in any Fed-
17 eral or State court.

18 (2) NOTICE.—The Director shall provide any
19 person to whom the Director provides a covered
20 manufactured home as part of an authorized place-
21 ment with written notice of—

22 (A) the potential risks associated with such
23 placement; and

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

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