

112TH CONGRESS
2D SESSION

H. R. 6614

To amend the National Flood Insurance Act of 1968 to allow the rebuilding of certain structures located in special flood hazard zones, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2012

Ms. MATSUI 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 allow the rebuilding of certain structures located in special flood hazard zones, 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 “Fire-Damaged Home
5 Rebuilding Act of 2012”.

1 **SEC. 2. REQUIREMENTS FOR STATE AND LOCAL LAND USE**
2 **CONTROLS.**

3 Subsection (a) of section 1315 of the National Flood
4 Insurance Act of 1968 (42 U.S.C. 4022(a)) is amended
5 by adding at the end the following new paragraph:

6 “(3) VARIANCE FOR CERTAIN RESIDENTIAL
7 STRUCTURES.—

8 “(A) REQUIREMENT.—Notwithstanding
9 any other provision of this Act, after the expira-
10 tion of the 3-month period beginning on the
11 date of the enactment of the Fire-Damaged
12 Home Rebuilding Act of 2012, any land use
13 and control measures required to be adopted
14 pursuant to paragraph (1) shall not, for pur-
15 poses of such paragraph, be considered to be
16 adequate or consistent with the comprehensive
17 criteria for land management and use under
18 section 1361 unless such measures provide that,
19 in the case of any residential structure that is
20 located in an area having special flood hazards
21 and is substantially damaged other than as a
22 result of a flood, a variance in accordance with
23 subparagraph (B) may be granted.

24 “(B) VARIANCE; CONSIDERATIONS.—A
25 variance in accordance with this subparagraph

1 is a variance from compliance with such land
2 use and control measures that—

3 “(i) allows for the repair and restora-
4 tion of such structure to its predamaged
5 condition on the original location of the
6 structure without elevation of the struc-
7 ture, but only if the owner of such struc-
8 ture at the time of such damage repairs
9 and restores such structure for the purpose
10 of continued occupancy; and

11 “(ii) may be granted only by the ap-
12 propriate regional director of the Federal
13 Emergency Management Agency, after tak-
14 ing into consideration—

15 “(I) whether granting such a
16 variance would help avoid blight in
17 the neighborhood in which the struc-
18 ture is located; and

19 “(II) whether denying such a
20 variance would require the structure
21 to be elevated in a manner such that
22 the structure is inappropriate with re-
23 spect to adjacent structures;

1 “(III) the history and frequency
2 of flooding in the area in which the
3 structure is located; and

4 “(IV) the cost to the homeowner
5 of elevating the structure so that it is
6 in compliance with such land use and
7 control measures.”.

8 **SEC. 3. PREMIUM RATES.**

9 Section 1308 of the National Flood Insurance Act of
10 1968 (42 U.S.C. 4015) is amended by adding at the end
11 the following new subsection:

12 “(j) PREMIUM RATES FOR STRUCTURES WITH CER-
13 TAIN VARIANCES.—Notwithstanding any other provision
14 of this Act, the chargeable premium rate for coverage
15 under this title for any residential structure provided a
16 variance pursuant to section 1315(a)(3) shall, after repair
17 and restoration of the structure pursuant to such variance,
18 be the rate that otherwise would apply to such structure
19 if the structure had not been substantially damaged and
20 repaired and restored pursuant to such variance.”.

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