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113TH CONGRESS
1ST SESSION

H. R. 968

To amend the National Flood Insurance Act of 1968 to allow the rebuilding, without elevation, of certain structures located in special flood hazard zones that are damaged by fire, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2013

Ms. MATSUI introduced the following bill; which was referred to the Committee on Financial Services

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A BILL

To amend the National Flood Insurance Act of 1968 to allow the rebuilding, without elevation, of certain structures located in special flood hazard zones that are damaged by fire, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fire-Damaged Home Rebuilding Act of 2013''.

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

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

"(3) ALLOWABLE LOCAL VARIANCES FOR CERTAIN RESIDENTIAL STRUCTURES.—

"(A) REQUIREMENT.—Notwithstanding any other provision of this Act, the land use and control measures adopted pursuant to paragraph (1) may not, for purposes of such paragraph, be considered to be inadequate or inconsistent with the comprehensive criteria for land management and use under section 1361 because such measures provide that, in the case of any residential structure that is located in a covered area and is substantially damaged by fire, a variance in accordance with subparagraph (C) may be granted, and the Administrator may not suspend a community from participation in the national flood insurance program, or place such a community on probation under such program, because such land use and control measures provide for such a variance.

"(B) COVERED AREA.—For purposes of subparagraph (A), the term 'covered area' means an area that—

"(i) has special flood hazards;

"(ii) will be protected by a levee system that will meet the requirements of section 65.10 of the Administrator's regulations (44 C.F.R. 65.10) and toward the repair, replacement, or construction of which adequate progress, acceptable to the Administrator, has been made; and

"(iii) absent the protection provided by such levee, is subject to significant base flood elevations of not less than a reasonable height, as determined by the Administrator.

"(C) VARIANCE; CONSIDERATIONS.—A variance in accordance with this subparagraph is a variance, granted by an appropriate official of the community, from compliance with such land use and control measures that allows for the repair and restoration of such structure to its predamaged condition without elevation of the structure, but only after a determination by such appropriate official that—

"(i) the repaired and restored structure is located on the original location of the structure prior to such fire damage and the footprint of such repaired and restored structure does not exceed the footprint of the original structure;

"(ii) the elevation of the repaired and restored structure is consistent with existing construction in the neighborhood;

"(iii) no claims payments have been made under flood insurance coverage under this title for losses to such structure;

"(iv) the owner of the structure for which the variance is granted has owned the structure continually from before the time of the fire damage referred to in subparagraph (A); and

"(v) the repair and restoration of the structure is for the purpose of continued occupancy by such owner.".

SEC. 3. PREMIUM RATES.

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

"(j) PREMIUM RATES FOR STRUCTURES WITH CERTAIN VARIANCES.—Notwithstanding any other provision of this Act, the chargeable premium rate for coverage under this title for any residential structure provided a variance pursuant to section 1315(a)(3) shall, after repair and restoration of the structure pursuant to such variance, be the rate that otherwise would apply to such structure if the structure had not been substantially damaged and repaired and restored pursuant to such variance.".

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