

**AMENDMENT TO H.R. 3590**

**OFFERED BY MS. CASTOR OF FLORIDA**

At the end of the bill, add the following new title:

**TITLE IX—AFFORDABILITY OF FLOOD INSURANCE  
FOR HOMEOWNERS**

**SEC. 901. SHORT TITLE.**

This title may be cited as the “Homeowner Flood Insurance Affordability Act of 2014”.

**SEC. 902. DEFINITIONS.**

As used in this title, the following definitions shall apply:

(1) **ADJUSTED BASE FLOOD ELEVATION.**—For purposes of rating a floodproofed covered structure, the term “adjusted base flood elevation” means the base flood elevation for a covered structure on the applicable effective flood insurance rate map, plus 1 foot.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(3) **AFFORDABILITY AUTHORITY BILL.**—The term “affordability authority bill” means a non-amendable bill that if enacted would only grant the Administrator the authority necessary to promulgate regulations in accordance with the criteria set forth in section 903(d)(2).

(4) **AFFORDABILITY STUDY.**—The term “affordability study” means the study required under section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957).

(5) **APPLICABLE FLOOD PLAIN MANAGEMENT MEASURES.**—The term “applicable flood plain management measures” means flood plain management measures adopted by a community under section 60.3(c) of title 44, Code of Federal Regulations.

(6) **COVERED STRUCTURE.**—The term “covered structure” means a residential structure—

1 (A) that is located in a community that has adopted flood plain  
 2 management measures that are approved by the Federal Emergency  
 3 Management Agency and that satisfy the requirements for an exception  
 4 for floodproofed residential basements under section 60.6(c) of title 44,  
 5 Code of Federal Regulations; and

6 (B) that was built in compliance with the applicable flood plain  
 7 management measures.

8 (7) DRAFT AFFORDABILITY FRAMEWORK.—The term “draft  
 9 affordability framework” means the draft programmatic and regulatory  
 10 framework required to be prepared by the Administrator and submitted to  
 11 Congress under section 903(d) addressing the issues of affordability of flood  
 12 insurance sold under the National Flood Insurance Program, including issues  
 13 identified in the affordability study.

14 (8) FLOODPROOFED ELEVATION.—The term “floodproofed  
 15 elevation” means the height of floodproofing on a covered structure, as  
 16 identified on the Residential Basement Floodproofing Certificate for the  
 17 covered structure.

18 (9) NATIONAL FLOOD INSURANCE PROGRAM.—The term  
 19 “National Flood Insurance Program” means the program established under  
 20 the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

21 **SEC. 903. DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE**  
 22 **INCREASES; DRAFT AFFORDABILITY FRAMEWORK.**

23 (a) DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE INCREASES.—

24 (1) GRANDFATHERED PROPERTIES.—Beginning on the date of  
 25 enactment of this Act, the Administrator may not increase risk premium rates  
 26 for flood insurance for any property located in an area subject to the premium  
 27 adjustment required under section 1308(h) of the National Flood Insurance  
 28 Act of 1968 (42 U.S.C. 4015(h)).

29 (2) PRE-FIRM PROPERTIES.—Beginning on the date of enactment of  
 30 this Act, the Administrator may not reduce the risk premium rate subsidies  
 31 for flood insurance for any property—

32 (A) described under section 1307(g)(1) of the National Flood  
 33 Insurance Act of 1968 (42 U.S.C. 4014(g)(1)); or

1 (B) described under 1307(g)(3) of the National Flood Insurance Act  
2 of 1968 (42 U.S.C. 4014(g)(3)), provided that the decision of the policy  
3 holder to permit a lapse in flood insurance coverage was as a result of  
4 the property no longer being required to retain such coverage.

5 (3) EXPIRATION.—The prohibitions set forth under paragraphs (1) and  
6 (2) shall expire 6 months after the later of—

7 (A) the date on which the Administrator proposes the draft  
8 affordability framework;

9 (B) the date on which any regulations proposed pursuant to the  
10 authority that the Administrator is granted in the affordability authority  
11 bill, if such bill is enacted, become final; or

12 (C) the date on which the Administrator certifies in writing to  
13 Congress that the Federal Emergency Management Agency has  
14 implemented a flood mapping approach that utilizes sound scientific and  
15 engineering methodologies to determine varying levels of flood risk in  
16 all areas participating in the National Flood Insurance Program.

17 (b) PROPERTY SALE TRIGGER.—Section 1307(g)(2) of the National Flood  
18 Insurance Act of 1968 (42 U.S.C. 4014(g)(2)) is amended to read as follows:

19 “(2) any property purchased after the expiration of the 6-month period  
20 set forth under section \_\_03(a)(3) of the Homeowner Flood Insurance  
21 Affordability Act of 2014;”.

22 (c) TREATMENT OF PRE-FIRM PROPERTIES.—Beginning on the date of  
23 enactment of this Act and ending upon the expiration of the 6-month period set forth  
24 under subsection (a)(3), the Administrator shall restore the risk premium rate subsidies  
25 for flood insurance estimated under section 1307(a)(2) of the National Flood Insurance  
26 Act of 1968 (42 U.S.C. 4014(a)(2)) for any property described in subparagraphs (A) and  
27 (B) of subsection (a)(2) of this section and in section 1307(g)(2) of the National Flood  
28 Insurance Act of 1968 (42 U.S.C. 4014(g)(2)).

29 (d) DRAFT AFFORDABILITY FRAMEWORK.—

30 (1) IN GENERAL.—The Administrator shall prepare a draft  
31 affordability framework that proposes to address, via programmatic and  
32 regulatory changes, the issues of affordability of flood insurance sold under  
33 the National Flood Insurance Program, including issues identified in the  
34 affordability study.

1 (2) CRITERIA.—In carrying out the requirements under paragraph (1),  
2 the Administrator shall consider the following criteria:

3 (A) Accurate communication to consumers of the flood risk  
4 associated with their property.

5 (B) Targeted assistance to flood insurance policy holders based on  
6 their financial ability to continue to participate in the National Flood  
7 Insurance Program.

8 (C) Individual or community actions to mitigate the risk of flood or  
9 lower the cost of flood insurance.

10 (D) The impact of increases in risk premium rates on participation  
11 in the National Flood Insurance Program.

12 (E) The impact flood insurance rate map updates have on the  
13 affordability of flood insurance.

14 (3) DEADLINE FOR SUBMISSION.—Not later than 18 months after  
15 the date on which the Administrator submits the affordability study, the  
16 Administrator shall submit to the full Committee on Banking, Housing, and  
17 Urban Affairs and the full Committee on Appropriations of the Senate and  
18 the full Committee on Financial Services and the full Committee on  
19 Appropriations of the House of Representatives the draft affordability  
20 framework.

21 (e) CONGRESSIONAL CONSIDERATION OF FEMA AFFORDABILITY  
22 AUTHORITIES.—

23 (1) NO REFERRAL.—Upon introduction in either House of Congress,  
24 an affordability authority bill shall not be referred to a committee and shall  
25 immediately be placed on the calendar.

26 (2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

27 (A) PROCEEDING TO CONSIDERATION.—It shall be in order  
28 to move to proceed to consider the affordability authority bill in the  
29 House. All points of order against the motion are waived. Such a motion  
30 shall not be in order after the House has disposed of a motion to proceed  
31 with respect to the affordability authority bill. The previous question  
32 shall be considered as ordered on the motion to its adoption without  
33 intervening motion. The motion shall not be debatable. A motion to

1 reconsider the vote by which the motion is disposed of shall not be in  
2 order.

3 (B) CONSIDERATION.—The affordability authority bill shall be  
4 considered as read. All points of order against the affordability authority  
5 bill and against its consideration are waived. The previous question shall  
6 be considered as ordered on the affordability authority bill to its passage  
7 without intervening motion except 10 hours of debate equally divided  
8 and controlled by the proponent and an opponent. A motion to  
9 reconsider the vote on passage of the affordability authority bill shall not  
10 be in order.

11 (3) CONSIDERATION IN THE SENATE.—

12 (A) PLACEMENT ON THE CALENDAR.—Upon introduction in  
13 the Senate, an affordability authority bill shall be immediately placed on  
14 the calendar.

15 (B) FLOOR CONSIDERATION.—Notwithstanding Rule XXII of  
16 the Standing Rules of the Senate, it is in order, at any time beginning on  
17 the day after the 6th day after the date of introduction of an affordability  
18 authority bill (even if a previous motion to the same effect has been  
19 disagreed to) to move to proceed to the consideration of the affordability  
20 authority bill and all points of order against consideration of the  
21 affordability authority bill are waived. The motion to proceed is not  
22 debatable. The motion is not subject to a motion to postpone. A motion  
23 to reconsider the vote by which the motion is agreed to or disagreed to  
24 shall not be in order. If a motion to proceed to the consideration of the  
25 affordability authority bill is agreed to, the affordability authority bill  
26 shall remain the unfinished business until disposed of.

27 (C) CONSIDERATION.—All points of order against the  
28 affordability authority bill are waived. Consideration of the affordability  
29 authority bill and of all debatable motions and appeals in connection  
30 therewith shall be limited to not more than 10 hours which shall be  
31 divided equally between the majority and minority leaders or their  
32 designees. A motion further to limit debate on the affordability authority  
33 bill is in order, and is not debatable.

34 (D) NO AMENDMENTS.—An amendment to the affordability  
35 authority bill, or a motion to postpone, or a motion to proceed to the  
36 consideration of other business, or a motion to commit or recommit the  
37 affordability authority bill, is not in order.

1 (E) VOTE ON PASSAGE.—If the Senate has voted to proceed to  
2 the affordability authority bill, the vote on passage of the affordability  
3 authority bill shall occur immediately following the conclusion of  
4 consideration of the affordability authority bill, and a single quorum call  
5 at the conclusion of the debate if requested in accordance with the rules  
6 of the Senate.

7 (4) AMENDMENT.—The affordability authority bill shall not be  
8 subject to amendment in either the House of Representatives or the Senate.

9 (5) CONSIDERATION BY THE OTHER HOUSE.—

10 (A) IN GENERAL.—If, before passing the affordability authority  
11 bill, one House receives from the other an affordability authority bill—

12 (i) the affordability authority bill of the other House shall not  
13 be referred to a committee; and

14 (ii) the procedure in the receiving House shall be the same as if  
15 no affordability authority bill had been received from the other  
16 House except that the vote on passage shall be on the affordability  
17 authority bill of the other House.

18 (B) REVENUE MEASURE.—This subsection shall not apply to  
19 the House of Representatives if the affordability authority bill received  
20 from the Senate is a revenue measure.

21 (6) COORDINATION WITH ACTION BY OTHER HOUSE.—

22 (A) TREATMENT OF AFFORDABILITY AUTHORITY BILL  
23 OF OTHER HOUSE.—If the Senate fails to introduce or consider a  
24 affordability authority bill under this section, the affordability authority  
25 bill of the House shall be entitled to expedited floor procedures under  
26 this section.

27 (B) TREATMENT OF COMPANION MEASURES IN THE  
28 SENATE.—If following passage of the affordability authority bill in the  
29 Senate, the Senate then receives the affordability authority bill from the  
30 House of Representatives, the House-passed affordability authority bill  
31 shall not be debatable.

32 (C) VETOES.—If the President vetoes the affordability authority  
33 bill, debate on a veto message in the Senate under this section shall be 1

1 hour equally divided between the majority and minority leaders or their  
2 designees.

3 (7) RULES OF THE HOUSE OF REPRESENTATIVES AND  
4 SENATE.—This subsection is enacted by Congress—

5 (A) as an exercise of the rulemaking power of the Senate and the  
6 House of Representatives, respectively, and as such it is deemed a part  
7 of the rules of each House, respectively, but applicable only with respect  
8 to the procedure to be followed in that House in the case of an  
9 affordability authority bill, and it supersedes other rules only to the  
10 extent that it is inconsistent with such rules; and

11 (B) with full recognition of the constitutional right of either House  
12 to change its rules at any time, in the same manner, and to the same  
13 extent as in the case of any other rule of that House.

14 (f) INTERAGENCY AGREEMENTS.—The Administrator may enter into an  
15 agreement with another Federal agency to—

16 (1) complete the affordability study; or

17 (2) prepare the draft affordability framework.

18 (g) CLEAR COMMUNICATIONS.—The Administrator shall clearly communicate full  
19 flood risk determinations to individual property owners regardless of whether their  
20 premium rates are full actuarial rates.

21 (h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to  
22 provide the Administrator with the authority to provide assistance to homeowners based  
23 on affordability that was not available prior to the enactment of the Biggert-Waters Flood  
24 Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).

25 SEC. 904. AFFORDABILITY STUDY AND REPORT.

26 Notwithstanding the deadline under section 100236(c) of the Biggert-Waters Flood  
27 Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957), not later than 2  
28 years after the date of enactment of this Act, the Administrator shall submit to the full  
29 Committee on Banking, Housing, and Urban Affairs and the full Committee on  
30 Appropriations of the Senate and the full Committee on Financial Services and the full  
31 Committee on Appropriations of the House of Representatives the affordability study and  
32 report required under such section.

33 SEC. 905. AFFORDABILITY STUDY FUNDING.

1 Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012  
2 (Public Law 112–141; 126 Stat. 957) is amended by striking “not more than \$750,000”  
3 and inserting “such amounts as may be necessary”.

4 SEC. 906. FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL MAP  
5 APPEALS.

6 (a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of 1968 (42  
7 U.S.C. 4104(f)) is amended by striking the second sentence and inserting the following:  
8 “The Administrator may use such amounts from the National Flood Insurance Fund  
9 established under section 1310 as may be necessary to carry out this subsection.”.

10 (b) CONFORMING AMENDMENT.—Section 1310(a) of the National Flood  
11 Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

12 (1) in paragraph (6), by striking “and” at the end;

13 (2) in paragraph (7), by striking the period at the end and inserting “;  
14 and”; and

15 (3) by adding at the end the following:

16 “(8) for carrying out section 1363(f).”.

17 SEC. 907. FLOOD PROTECTION SYSTEMS.

18 (a) ADEQUATE PROGRESS ON CONSTRUCTION OF FLOOD PROTECTION  
19 SYSTEMS.—Section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C.  
20 4014(e)) is amended—

21 (1) in the first sentence, by inserting “or reconstruction” after  
22 “construction”;

23 (2) by amending the second sentence to read as follows: “The  
24 Administrator shall find that adequate progress on the construction or  
25 reconstruction of a flood protection system, based on the present value of the  
26 completed flood protection system, has been made only if (1) 100 percent of  
27 the cost of the system has been authorized, (2) at least 60 percent of the cost  
28 of the system has been appropriated, (3) at least 50 percent of the cost of the  
29 system has been expended, and (4) the system is at least 50 percent  
30 completed.”; and

31 (3) by adding at the end the following: “Notwithstanding any other  
32 provision of law, in determining whether a community has made adequate



1 progress on the construction, reconstruction, or improvement of a flood  
 2 protection system, the Administrator shall consider all sources of funding,  
 3 including Federal, State, and local funds.”.

4 (b) COMMUNITIES RESTORING DISACCREDITED FLOOD PROTECTION  
 5 SYSTEMS.—Section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C.  
 6 4014(f)) is amended by amending the first sentence to read as follows: “Notwithstanding  
 7 any other provision of law, this subsection shall apply to riverine and coastal levees that  
 8 are located in a community which has been determined by the Administrator of the  
 9 Federal Emergency Management Agency to be in the process of restoring flood  
 10 protection afforded by a flood protection system that had been previously accredited on a  
 11 Flood Insurance Rate Map as providing 100-year frequency flood protection but no  
 12 longer does so, and shall apply without regard to the level of Federal funding of or  
 13 participation in the construction, reconstruction, or improvement of the flood protection  
 14 system.”.

15 SEC. 908. TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.

16 Notwithstanding the Biggert-Waters Flood Insurance Reform Act of 2012 (Public  
 17 Law 112–141; 126 Stat. 916), the amendments made by that Act, or any other provision  
 18 of law, the Administrator shall rate a covered structure using the elevation difference  
 19 between the floodproofed elevation of the covered structure and the adjusted base flood  
 20 elevation of the covered structure.

21 SEC. 909. DESIGNATION OF FLOOD INSURANCE ADVOCATE.

22 (a) IN GENERAL.—The Administrator shall designate a Flood Insurance Advocate  
 23 to advocate for the fair treatment of policy holders under the National Flood Insurance  
 24 Program and property owners in the mapping of flood hazards, the identification of risks  
 25 from flood, and the implementation of measures to minimize the risk of flood.

26 (b) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the Flood  
 27 Insurance Advocate designated under subsection (a) shall be to—

28 (1) educate property owners and policyholders under the National Flood  
 29 Insurance Program on—

30 (A) individual flood risks;

31 (B) flood mitigation;

32 (C) measures to reduce flood insurance rates through effective  
 33 mitigation; and

1 (D) the flood insurance rate map review and amendment process;

2 (2) assist policy holders under the National Flood Insurance Program  
3 and property owners to understand the procedural requirements related to  
4 appealing preliminary flood insurance rate maps and implementing measures  
5 to mitigate evolving flood risks;

6 (3) assist in the development of regional capacity to respond to  
7 individual constituent concerns about flood insurance rate map amendments  
8 and revisions;

9 (4) coordinate outreach and education with local officials and  
10 community leaders in areas impacted by proposed flood insurance rate map  
11 amendments and revisions; and

12 (5) aid potential policy holders under the National Flood Insurance  
13 Program in obtaining and verifying accurate and reliable flood insurance rate  
14 information when purchasing or renewing a flood insurance policy.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be  
16 appropriated for each fiscal year such sums as may be necessary to carry out the duties  
17 and responsibilities of the Flood Insurance Advocate.