

AMENDMENT TO RULES COMMITTEE PRINT FOR H.R. 3964

OFFERED BY MS. CASTOR OF FLORIDA

At the end of the Committee Print, add the following new title:

1 **TITLE VI —AFFORDABILITY OF FLOOD INSURANCE**
2 **FOR HOMEOWNERS**

3
4 SEC. 601. SHORT TITLE.

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

7 SEC. 602. DEFINITIONS.

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

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

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

15 (3) **AFFORDABILITY AUTHORITY BILL.**—The term “affordability
16 authority bill” means a non-amendable bill that if enacted would only
17 grant the Administrator the authority necessary to promulgate
18 regulations in accordance with the criteria set forth in section 603(d)(2).

19 (4) **AFFORDABILITY STUDY.**—The term “affordability study”
20 means the study required under section 100236 of the Biggert-Waters
21 Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat.
22 957).

23 (5) **APPLICABLE FLOOD PLAIN MANAGEMENT MEASURES.**—The
24 term “applicable flood plain management measures” means flood plain

1 management measures adopted by a community under section 60.3(c)
2 of title 44, Code of Federal Regulations.

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

5 (A) that is located in a community that has adopted flood plain
6 management measures that are approved by the Federal Emergency
7 Management Agency and that satisfy the requirements for an
8 exception for floodproofed residential basements under section
9 60.6(c) of title 44, Code of Federal Regulations; and

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

12 (7) DRAFT AFFORDABILITY FRAMEWORK.—The term “draft
13 affordability framework” means the draft programmatic and regulatory
14 framework required to be prepared by the Administrator and submitted
15 to Congress under section 603(d) addressing the issues of affordability
16 of flood insurance sold under the National Flood Insurance Program,
17 including issues identified in the affordability study.

18 (8) FLOODPROOFED ELEVATION.—The term “floodproofed
19 elevation” means the height of floodproofing on a covered structure, as
20 identified on the Residential Basement Floodproofing Certificate for
21 the covered structure.

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

26 **SEC. 603. DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE**
27 **INCREASES; DRAFT AFFORDABILITY FRAMEWORK.**

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

30 (1) GRANDFATHERED PROPERTIES.—Beginning on the date of
31 enactment of this Act, the Administrator may not increase risk premium

1 rates for flood insurance for any property located in an area subject to
2 the premium adjustment required under section 1308(h) of the National
3 Flood Insurance Act of 1968 (42 U.S.C. 4015(h)).

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

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

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

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

16 (A) the date on which the Administrator proposes the draft
17 affordability framework;

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

21 (C) the date on which the Administrator certifies in writing to
22 Congress that the Federal Emergency Management Agency has
23 implemented a flood mapping approach that utilizes sound
24 scientific and engineering methodologies to determine varying
25 levels of flood risk in all areas participating in the National Flood
26 Insurance Program.

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

29 “(2) any property purchased after the expiration of the 6-month
30 period set forth under section __03(a)(3) of the Homeowner Flood
31 Insurance Affordability Act of 2014;”.

1 (c) TREATMENT OF PRE-FIRM PROPERTIES.—Beginning on the date of
2 enactment of this Act and ending upon the expiration of the 6-month period set
3 forth under subsection (a)(3), the Administrator shall restore the risk premium rate
4 subsidies for flood insurance estimated under section 1307(a)(2) of the National
5 Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)) for any property described in
6 subparagraphs (A) and (B) of subsection (a)(2) of this section and in section
7 1307(g)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)).

8 (d) DRAFT AFFORDABILITY FRAMEWORK.—

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

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

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

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

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

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

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

27 (3) DEADLINE FOR SUBMISSION.—Not later than 18 months after
28 the date on which the Administrator submits the affordability study, the
29 Administrator shall submit to the full Committee on Banking, Housing,
30 and Urban Affairs and the full Committee on Appropriations of the
31 Senate and the full Committee on Financial Services and the full

1 Committee on Appropriations of the House of Representatives the draft
2 affordability framework.

3 (e) CONGRESSIONAL CONSIDERATION OF FEMA AFFORDABILITY
4 AUTHORITIES.—

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

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

9 (A) PROCEEDING TO CONSIDERATION.—It shall be in order to
10 move to proceed to consider the affordability authority bill in the
11 House. All points of order against the motion are waived. Such a
12 motion shall not be in order after the House has disposed of a
13 motion to proceed with respect to the affordability authority bill.
14 The previous question shall be considered as ordered on the motion
15 to its adoption without intervening motion. The motion shall not be
16 debatable. A motion to reconsider the vote by which the motion is
17 disposed of shall not be in order.

18 (B) CONSIDERATION.—The affordability authority bill shall
19 be considered as read. All points of order against the affordability
20 authority bill and against its consideration are waived. The
21 previous question shall be considered as ordered on the
22 affordability authority bill to its passage without intervening
23 motion except 10 hours of debate equally divided and controlled by
24 the proponent and an opponent. A motion to reconsider the vote on
25 passage of the affordability authority bill shall not be in order.

26 (3) CONSIDERATION IN THE SENATE.—

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

30 (B) FLOOR CONSIDERATION.—Notwithstanding Rule XXII of
31 the Standing Rules of the Senate, it is in order, at any time
32 beginning on the day after the 6th day after the date of introduction

1 of an affordability authority bill (even if a previous motion to the
2 same effect has been disagreed to) to move to proceed to the
3 consideration of the affordability authority bill and all points of
4 order against consideration of the affordability authority bill are
5 waived. The motion to proceed is not debatable. The motion is not
6 subject to a motion to postpone. A motion to reconsider the vote by
7 which the motion is agreed to or disagreed to shall not be in order.
8 If a motion to proceed to the consideration of the affordability
9 authority bill is agreed to, the affordability authority bill shall
10 remain the unfinished business until disposed of.

11 (C) CONSIDERATION.—All points of order against the
12 affordability authority bill are waived. Consideration of the
13 affordability authority bill and of all debatable motions and appeals
14 in connection therewith shall be limited to not more than 10 hours
15 which shall be divided equally between the majority and minority
16 leaders or their designees. A motion further to limit debate on the
17 affordability authority bill is in order, and is not debatable.

18 (D) NO AMENDMENTS.—An amendment to the affordability
19 authority bill, or a motion to postpone, or a motion to proceed to
20 the consideration of other business, or a motion to commit or
21 recommit the affordability authority bill, is not in order.

22 (E) VOTE ON PASSAGE.—If the Senate has voted to proceed to
23 the affordability authority bill, the vote on passage of the
24 affordability authority bill shall occur immediately following the
25 conclusion of consideration of the affordability authority bill, and a
26 single quorum call at the conclusion of the debate if requested in
27 accordance with the rules of the Senate.

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

31 (5) CONSIDERATION BY THE OTHER HOUSE.—

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

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

3 (ii) the procedure in the receiving House shall be the same
4 as if no affordability authority bill had been received from the
5 other House except that the vote on passage shall be on the
6 affordability authority bill of the other House.

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

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

11 (A) TREATMENT OF AFFORDABILITY AUTHORITY BILL OF
12 OTHER HOUSE.—If the Senate fails to introduce or consider a
13 affordability authority bill under this section, the affordability
14 authority bill of the House shall be entitled to expedited floor
15 procedures under this section.

16 (B) TREATMENT OF COMPANION MEASURES IN THE
17 SENATE.—If following passage of the affordability authority bill in
18 the Senate, the Senate then receives the affordability authority bill
19 from the House of Representatives, the House-passed affordability
20 authority bill shall not be debatable.

21 (C) VETOES.—If the President vetoes the affordability
22 authority bill, debate on a veto message in the Senate under this
23 section shall be 1 hour equally divided between the majority and
24 minority leaders or their designees.

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

27 (A) as an exercise of the rulemaking power of the Senate and
28 the House of Representatives, respectively, and as such it is
29 deemed a part of the rules of each House, respectively, but
30 applicable only with respect to the procedure to be followed in that
31 House in the case of an affordability authority bill, and it

1 supersedes other rules only to the extent that it is inconsistent with
2 such rules; and

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

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

8 (1) complete the affordability study; or

9 (2) prepare the draft affordability framework.

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

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

17 SEC. 604. AFFORDABILITY STUDY AND REPORT.

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

25 SEC. 605. AFFORDABILITY STUDY FUNDING.

26 Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012
27 (Public Law 112–141; 126 Stat. 957) is amended by striking “not more than
28 \$750,000” and inserting “such amounts as may be necessary”.

29 SEC. 606. FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL 30 MAP APPEALS.

1 (a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of
2 1968 (42 U.S.C. 4104(f)) is amended by striking the second sentence and inserting
3 the following: “The Administrator may use such amounts from the National Flood
4 Insurance Fund established under section 1310 as may be necessary to carry out
5 this subsection.”.

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

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

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

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

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

13 SEC. 607. FLOOD PROTECTION SYSTEMS.

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

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

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

27 (3) by adding at the end the following: “Notwithstanding any other
28 provision of law, in determining whether a community has made
29 adequate progress on the construction, reconstruction, or improvement
30 of a flood protection system, the Administrator shall consider all
31 sources of funding, including Federal, State, and local funds.”.

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

12 SEC. 608. TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.

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

18 SEC. 609. DESIGNATION OF FLOOD INSURANCE ADVOCATE.

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

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

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

28 (A) individual flood risks;

29 (B) flood mitigation;

30 (C) measures to reduce flood insurance rates through effective
31 mitigation; and

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

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

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

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

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

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