

[DISCUSSION DRAFT]115TH CONGRESS
1ST SESSION**H. R.** _____

To amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repetitively damaged by floods, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROYCE introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the National Flood Insurance Act of 1968 to ensure community accountability for areas repetitively damaged by floods, 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 “Repeatedly Flooded
5 Communities Preparation Act”.

1 **SEC. 2. COMMUNITY ACCOUNTABILITY FOR REPETITIVELY**
2 **FLOODED AREAS.**

3 (a) IN GENERAL.—Section 1361 of the National
4 Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended
5 by adding at the end the following new subsection:

6 “(e) COMMUNITY ACCOUNTABILITY FOR REPET-
7 ITIVELY DAMAGED AREAS.—

8 “(1) IN GENERAL.—The Administrator shall,
9 by regulation, require any covered community (as
10 such term is defined in paragraph (3))—

11 “(A) to identify the areas within the com-
12 munity where properties described in paragraph
13 (5)(B) or flood-damaged facilities are located to
14 determine areas repeatedly damaged by floods
15 and to assess, with assistance from the Admin-
16 istrator, the continuing risks to such areas;

17 “(B) to develop a community-specific plan
18 for mitigating continuing flood risks to such re-
19 petitively flooded areas and to submit such plan
20 and plan updates to the Administrator at ap-
21 propriate intervals;

22 “(C) to implement such plans;

23 “(D) to make such plan, plan updates, and
24 reports on progress in reducing flood risk avail-
25 able to the public, subject to section 552a of
26 title 5, United States Code.

1 “(2) INCORPORATION INTO EXISTING PLANS.—

2 Plans developed pursuant to paragraph (1) may be
3 incorporated into mitigation plans developed under
4 section 1366 of this Act (42 U.S.C. 4104c) and haz-
5 ard mitigation plans developed under section 322 of
6 the Robert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5165).

8 “(3) ASSISTANCE TO COMMUNITIES.—

9 “(A) DATA.—To assist communities in
10 preparation of plans required under paragraph
11 (1), the Administrator shall, not less often than
12 once each year, provide covered communities
13 with appropriate data regarding the property
14 addresses and dates of claims associated with
15 insured properties within the community.

16 “(B) MITIGATION GRANTS.—In making de-
17 terminations regarding financial assistance
18 under the authorities of this Act, the Adminis-
19 trator may consider the extent to which a com-
20 munity has complied with this subsection and is
21 working to remedy problems with addressing re-
22 peatedly flooded areas.

23 “(4) SANCTIONS.—The Administrator shall, by
24 regulations issued in accordance with the procedures
25 established under section 553 of title 5, United

1 States Code, regarding substantive rules, provide ap-
2 propriate sanctions for covered communities that fail
3 to comply with the requirements under this sub-
4 section or to make sufficient progress in reducing
5 the flood risks to areas in the community that are
6 repeatedly damaged by floods. Such sanctions shall
7 include suspension from the national flood insurance
8 program and probation under such program, in the
9 manner provided under section 59.24 of the Admin-
10 istrator’s regulations (44 C.F.R. 59.24).

11 “(5) COVERED COMMUNITY.—For purposes of
12 this subsection, the term ‘covered community’ means
13 a community—

14 “(A) that is participating, pursuant to sec-
15 tion 1315, in the national flood insurance pro-
16 gram; and

17 “(B) within which are located—

18 “(i) 50 or more repetitive loss struc-
19 tures (as such term is defined in para-
20 graph (4));

21 “(ii) 5 or more severe repetitive loss
22 structures (as such term is defined in sec-
23 tion 1366(h)) for which mitigation activi-
24 ties meeting the standards for approval

1 under section 1366(c)(2)(A) have not been
2 conducted; or

3 “(iii) a public facility or a private
4 nonprofit facility (as such terms are as de-
5 fined in section 102 of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5122)), that has re-
8 ceived assistance for repair, restoration, re-
9 construction, or replacement under section
10 406 of the Robert T. Stafford Disaster Re-
11 lief and Emergency Assistance Act (42
12 U.S.C. 5172) in connection with more than
13 one flooding event in the most recent 10-
14 year period.

15 “(6) REPETITIVE-LOSS STRUCTURE.—For pur-
16 poses of this subsection, the term ‘repetitive-loss
17 structure’ means a structure insured under a con-
18 tract for flood insurance made available under this
19 title that has had at least 2 flood losses for which
20 claims were paid under such coverage of more than
21 \$1,000 each in any 10-year period beginning after
22 1978.

23 “(7) REPORTS TO CONGRESS.—Not later than
24 the expiration of the 6-year period beginning upon
25 the date of the enactment of this subsection, and not

1 less than every 2 years thereafter, the Administrator
2 shall submit a report to the Congress regarding the
3 progress in implementing plans developed pursuant
4 to paragraph (1)(B).”.

5 (b) REGULATIONS.—The Administrator of the Fed-
6 eral Emergency Management Agency shall issue regula-
7 tions necessary to carry out subsection (e) of section 1361
8 of the National Flood Insurance Act of 1968, as added
9 by the amendment made by subsection (a) of this section,
10 not later than the expiration of the 12-month period that
11 begins on the date of the enactment of this Act.