

117TH CONGRESS
2D SESSION

H. R. 7842

To amend the National Flood Insurance Act of 1968 to expand opportunities for families living in areas of high flood risk to access Federal assistance for voluntary relocation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2022

Mr. CASTEN (for himself and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the National Flood Insurance Act of 1968 to expand opportunities for families living in areas of high flood risk to access Federal assistance for voluntary relocation, 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 “Protecting Families
5 and the Solvency of the National Flood Insurance Pro-
6 gram Act of 2022”.

1 **SEC. 2. VOLUNTARY BUYOUTS IN LIEU OF FLOOD CLAIMS.**

2 Section 1312 of the National Flood Insurance Act of
3 1968 (42 U.S.C. 4019) is amended by adding at the end
4 the following new subsection:

5 “(d) EXPEDITED VOLUNTARY BUYOUTS.—

6 “(1) EXPEDITED ASSISTANCE IN LIEU OF
7 CLAIMS.—The Administrator may provide for expe-
8 dited mitigation assistance for cases in which a pol-
9 icyholder making a claim with respect to a property
10 expresses interest in a voluntary buyout in lieu of a
11 claims payment. Such determinations shall apply re-
12 gardless of location of a property in relation to an
13 area designated as an area having special flood haz-
14 ards.

15 “(2) ELIGIBILITY.—The Administration may
16 provide expedited assistance under this subsection
17 with respect to a property only if both of the fol-
18 lowing requirements have been met:

19 “(A) PROPERTY ELIGIBILITY.—The in-
20 sured property—

21 “(i) has been identified as a repetitive
22 loss or severe repetitive loss property;

23 “(ii) has been designated by the par-
24 ticipating community as substantially dam-
25 aged; or

1 “(iii) would otherwise be filing a claim
2 for the maximum level of coverage.

3 “(B) COMMUNITY ELIGIBILITY.—The rel-
4 evant community participating in the national
5 flood insurance program agrees to take title to
6 the property in accordance with the terms
7 under section 404(b) of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5170c(b)) and has prioritized miti-
10 gation to such property or to the area in which
11 such property is located through an appropriate
12 action or plan, as determined by the Adminis-
13 trator, including—

14 “(i) a repetitive loss area analysis
15 plan conducted for and consistent with cri-
16 teria for the community rating system au-
17 thorized under section 1315(b) (42 U.S.C.
18 4022(b));

19 “(ii) a locally adopted plan completed
20 in compliance with requirements of section
21 1361(e) (42 U.S.C. 4102(e));

22 “(iii) a locally adopted flood risk miti-
23 gation plan consistent with the require-
24 ments of section 1366(b) (42 U.S.C.
25 4104c(b));

1 “(iv) an ongoing local or State pro-
2 gram for property buyouts to address
3 flooding problems that conforms with such
4 requirement as the Administrator may es-
5 tablish; or

6 “(v) such other action or plan as the
7 Administrator may provide.

8 “(3) LONG-TERM BENEFITS TO FUND.—When-
9 ever claims are filed and the conditions under para-
10 graph (2) exist, the Administrator shall expeditiously
11 determine, considering current and future risks, if a
12 property buyout would result in long-term benefits
13 to the National Flood Insurance Fund. For buyouts
14 determined to be beneficial, amounts in the National
15 Flood Insurance Fund may be used immediately to
16 make acquisition offers under this subsection in lieu
17 of full claims payments. Such offers may exceed the
18 amount of the claim and shall comply with require-
19 ments for buyout offers authorized under section
20 404 of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5170e). In no
22 case shall such expedited buyout offers delay or re-
23 duce the amount of claims due to a policyholder for
24 contents coverage or necessary clean-up costs.”.

1 **SEC. 3. COMMUNITY ACTION TO ADDRESS REPETITIVELY**
2 **FLOODED AREAS.**

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

6 “(e) **COMMUNITY ACTION FOR REPEATEDLY FLOOD-**
7 **ED AREAS.**—

8 “(1) **DEFINITIONS.**—For purposes of this sub-
9 section, the following definitions shall apply:

10 “(A) **COVERED COMMUNITY.**—The term
11 ‘covered community’ means a community—

12 “(i) that is participating in the na-
13 tional flood insurance program under sec-
14 tion 1315 (42 U.S.C. 4022);

15 “(ii) within which are located—

16 “(I) not fewer than 50 repetitive
17 loss structures; or

18 “(II) not fewer than 5 severe re-
19 petitive loss structures for which miti-
20 gation activities meeting the stand-
21 ards for approval under section
22 1366(e)(2)(A) (42 U.S.C.
23 4101e(c)(2)(A)) have not been con-
24 ducted; and

25 “(iii) which has been identified by the
26 Administrator as a priority for assessment

1 and mitigation in accordance with the reg-
2 ulations authorized by this section.

3 “(B) REPETITIVE LOSS STRUCTURE.—The
4 term ‘repetitive loss structure’ has the meaning
5 given such term in section 1370 (42 U.S.C.
6 4121).

7 “(C) SEVERE REPETITIVE LOSS STRUC-
8 TURE.—The term ‘severe repetitive loss struc-
9 ture’ has the meaning given such term in sec-
10 tion 1366(h) (42 U.S.C. 4101e(h)).

11 “(2) REQUIREMENTS FOR COVERED COMMU-
12 NITIES.—The Administrator shall, by regulation, re-
13 quire a covered community to—

14 “(A) determine, with assistance from the
15 Administrator, the areas within the covered
16 community in which properties described in
17 paragraph (1)(A)(ii) are located in order to
18 identify areas that are repeatedly damaged by
19 floods;

20 “(B) assess, with assistance from the Ad-
21 ministrator, future conditions which may rep-
22 resent continuing risks to the repeatedly dam-
23 aged areas identified pursuant to subparagraph
24 (A);

1 “(C) develop a community-specific plan for
2 mitigating continuing flood risks to the repeat-
3 edly damaged areas identified pursuant to sub-
4 paragraph (A);

5 “(D) submit the plan described in subpara-
6 graph (C) and any plan updates to the Admin-
7 istrator at appropriate intervals;

8 “(E) implement the plan described in sub-
9 paragraph (C); and

10 “(F) subject to section 552a of title 5,
11 United States Code, make the plan described in
12 subparagraph (C), any updates to the plan, and
13 reports on progress in reducing flood risk avail-
14 able to the public.

15 “(3) COORDINATION WITH EXISTING PLANNING
16 EFFORTS.—As determined by the Administrator, a
17 covered community may address the planning re-
18 quirements of this subsection in coordination with
19 other planning efforts, including—

20 “(A) a plan developed under section 1366
21 of this title (42 U.S.C. 4104c);

22 “(B) a plan developed under section 322 of
23 the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5165); or

1 “(C) a plan completed for, conducted for,
2 and consistent with criteria for the community
3 rating system authorized under section 1315(b)
4 of this title (42 U.S.C. 4022(b)).

5 “(4) AUTHORIZATION AND ASSISTANCE.—

6 “(A) IN GENERAL.—The Administrator
7 may issue appropriate policies and regulations
8 to assist covered communities in identification
9 of repeatedly flooded areas and in implementing
10 practical plans for addressing the identified
11 flooding problems.

12 “(B) TYPES OF ASSISTANCE.—Assistance
13 authorized under this section may include—

14 “(i) sharing of information in accord-
15 ance with the requirements of section 552a
16 of title 5, United States Code, and the sub-
17 chapter II of chapter 35 of title 44, United
18 States Code;

19 “(ii) consideration of possible sources
20 of financial assistance to communities, in-
21 cluding—

22 “(I) potential waiver or lowering
23 of non-Federal cost shares for mitiga-
24 tion of properties; and

1 “(II) potential priority for appli-
2 cable grant mitigation funding man-
3 aged by the Administrator;

4 “(iii) additional technical assistance to
5 communities the Administrator may deem
6 most at-risk for repeated flooding events;

7 “(iv) reasonable considerations and
8 targeted assistance for communities de-
9 fined as small and impoverished or high-
10 risk under section 203(a) of the Robert T.
11 Stafford Disaster Relief and Emergency
12 Assistance Act (42 U.S.C 5133(a)); and

13 “(v) special assistance aimed at imple-
14 menting Executive Order 13985 (January
15 20, 2021) on Advancing Racial Equity and
16 Support for Underserved Communities
17 Through the Federal Government, as de-
18 fined by the Administrator.

19 “(C) SPECIAL CONSIDERATIONS.—In de-
20 termining an appropriate level of assistance for
21 a covered community, as provided in subpara-
22 graph (B), the Administrator shall consider the
23 extent to which the community is working to
24 remedy problems associated with repeated

1 flooding and the resources available to the cov-
2 ered community, including—

3 “(i) any Federal or State funding re-
4 ceived by the covered community;

5 “(ii) the portion of the covered com-
6 munity that is located within areas having
7 special flood hazards; and

8 “(iii) any other factor that makes it
9 difficult for the covered community to con-
10 duct mitigation activities for flood-prone
11 structures.

12 “(5) REPORTS TO CONGRESS.—Not later than
13 3 years after the date of enactment of this sub-
14 section, and not less frequently than once every 2
15 years thereafter, the Administrator shall submit to
16 the Congress a report regarding the progress made
17 by covered communities with respect to imple-
18 menting plans developed under paragraph (2)(C)
19 and, to the extent possible, the trends in numbers of
20 repetitive loss and severe repetitive loss properties.”.

21 **SEC. 4. FLOOD MITIGATION ASSISTANCE.**

22 (a) AUTHORITY.—Paragraph (2) of section 1366(a)
23 of the National Flood Insurance Act of 1968 (42 U.S.C.
24 4104c(a)(2)) is amended—

1 (1) by inserting “repetitive loss structures,”
2 after “damage to”; and

3 (2) by inserting before “; and” the following: “,
4 and other structures within an area that has been
5 identified by the State or community as a repetitive
6 loss area or has been determined by the Adminis-
7 trator to pose a significant risk of recurrent flood-
8 ing”.

9 (b) ELIGIBLE MITIGATION ACTIVITIES.—Subsection
10 (c) of section 1366 of the National Flood Insurance Act
11 of 1968 (42 U.S.C. 4104c) is amended—

12 (1) in paragraph (2)—

13 (A) in the paragraph heading, by inserting
14 “FAIRNESS,” after “COST-EFFECTIVENESS”;

15 (i) in subparagraph (A)—

16 (I) in clause (i)—

17 (aa) by inserting “, equi-
18 table,” after “feasible”; and

19 (bb) by inserting “over the
20 long term” after “cost-effective”;
21 and

22 (II) in clause (ii), by inserting
23 “repetitive loss or” before “severe”;
24 and

1 (ii) in subparagraph (B) by inserting
2 “, including benefits that provide needed
3 assistance to vulnerable populations” be-
4 fore the period at the end;

5 (2) in paragraph (3)—

6 (A) in subparagraph (C)—

7 (i) by striking “for public use,”; and

8 (ii) by inserting “, considering current
9 and future risks” before the period at the
10 end;

11 (B) in subparagraph (H) by inserting
12 “and” after the semicolon at the end;

13 (C) in subparagraph (I) by striking “;
14 and” and inserting a period; and

15 (D) by striking subparagraph (J); and

16 (3) in paragraph (4), by adding after the pe-
17 riod, the following: “In any case in which elevation
18 or rebuilding is authorized by the Administrator, the
19 appropriate level of elevation shall incorporate ap-
20 propriate freeboard or other safety factor based on
21 an assessment using the best scientific information
22 to determine risk levels over the expected lifetime of
23 the structure.”.

1 (c) MATCHING REQUIREMENT.—Subsection (d) of
2 section 1366 of the National Flood Insurance Act of 1968
3 (42 U.S.C. 4104c(d)) is amended—

4 (1) in paragraph (2), by inserting before the pe-
5 riod at the end the following: “, except in cases in
6 which the repetitive loss structure lies within an area
7 identified under a local plan adopted pursuant to
8 section 1361(e) (42 U.S.C. 4102(e)). In such cases,
9 mitigation activities, including acquisitions, shall be
10 funded in an amount up to 100 percent of all eligi-
11 ble costs”;

12 (2) by redesignating paragraph (3) as para-
13 graph (4); and

14 (3) by inserting after paragraph (2) the fol-
15 lowing new paragraph:

16 “(3) WAIVER OF MATCHING REQUIREMENTS
17 FOR PROPERTIES WITHIN UNDERSERVED COMMU-
18 NITIES.—The matching requirement under this sub-
19 section shall be waived for the following properties:

20 “(A) Properties located within a census
21 tract with a Centers for Disease Control and
22 Prevention Social Vulnerability Index score of
23 not less than 0.5001.

24 “(B) Properties serving as the primary
25 residence for a household having a household

1 income of not more than 100 percent of the ap-
2 plicable area median income.”.

3 **SEC. 5. PREDISASTER MITIGATION.**

4 (a) DEFINITIONS.—Subsection (a) of section 203 of
5 the Robert T. Stafford Disaster Relief and Emergency As-
6 sistance Act (42 U.S.C 5133) is amended to read as fol-
7 lows:

8 “(a) DEFINITION OF SMALL IMPOVERISHED COMMU-
9 NITY AND HIGH-RISK COMMUNITY.—In this section—

10 “(1) the term ‘small impoverished community’
11 means a community of 3,000 or fewer individuals
12 that is economically disadvantaged, as determined by
13 the State in which the community is located and
14 based on criteria established by the President; and

15 “(2) the term ‘high-risk community’ means a
16 community that has significant risk to health, safe-
17 ty, or economic stability from natural disasters and
18 also has limited resources to plan for and mitigate
19 against such risks, as determined by the Adminis-
20 trator. In making such determination, the Adminis-
21 trator may consider information on past natural dis-
22 asters, claims against the National Flood Insurance
23 Fund, and other federal expenditures for disaster re-
24 sponse and recovery as well as data related to size
25 of the community, social vulnerability, poverty levels,

1 unemployment, housing shortages, or other factors
2 that affect the community's capacity to prepare for
3 and recover from natural disasters.”.

4 (b) STATE RECOMMENDATIONS.—Subparagraph (B)
5 of section 203(d)(2) of the Robert T. Stafford Disaster
6 Relief and Emergency Assistance Act (42 U.S.C 5133) is
7 amended to read as follows:

8 “(B) EXCEPTIONS.—In providing assist-
9 ance to local governments under this section,
10 the President may select a local government has
11 been identified as a small impoverished commu-
12 nity or a high-risk community, or, if the Presi-
13 dent determines that extraordinary cir-
14 cumstances justify the selection and that mak-
15 ing the selection will further the purpose of this
16 section, another community that has not been
17 recommended by a Governor under this sub-
18 section.”.

19 (c) CRITERIA FOR ASSISTANCE AWARDS.—Sub-
20 section (g) of section 203 of the Robert T. Stafford Dis-
21 aster Relief and Emergency Assistance Act (42 U.S.C
22 5133(g)) is amended—

23 (1) in paragraph (1) by inserting “, including
24 the likelihood that identified hazards will increase in

1 severity, frequency, or impact in the future” before
2 the semicolon at the end;

3 (2) in paragraph (8) by inserting “, including
4 securing improved protections for vulnerable popu-
5 lations” before the semicolon at the end; and

6 (3) in paragraph (9) by inserting “and high-
7 risk communities” before the semicolon at the end.

8 (d) FEDERAL SHARE.—Paragraph (2) of section
9 203(h) of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5133(h)(2)) is
11 amended to read as follows:

12 “(2) SMALL IMPOVERISHED AND HIGH-RISK
13 COMMUNITIES.—Notwithstanding paragraph (1), the
14 President may contribute up to 100 percent of the
15 total cost of a mitigation activity carried out in a
16 small impoverished community or in a high-risk
17 community.”.

18 **SEC. 6. HAZARD MITIGATION GRANT PROGRAM.**

19 Subsection (b) of section 404 of the Robert T. Staf-
20 ford Disaster Relief and Emergency Assistance Act (42
21 U.S.C. 5170c(b)) is amended—

22 (1) in paragraph (1)—

23 (A) by striking “section” and replacing
24 with “Act or under the National Flood Insur-
25 ance Act (42 U.S.C. 4001 et. seq.)”; and

1 (B) by inserting after the period at the end
2 the following: “In providing such assistance, the
3 Administrator shall allow for participating
4 property owners, as well as any affected ten-
5 ants, to be treated as displaced persons under
6 the Uniform Relocation Assistance and Real
7 property Acquisition Policies Act of 1970 (42
8 U.S.C. 4601 et seq.)”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(4) SPECIAL CONSIDERATIONS.—In the case of
12 an acquisition or relocation project undertaken in co-
13 operation with a community which meets the criteria
14 set forth under subsection 1312(d) of the National
15 Flood Insurance Act (42 U.S.C. 4019(d)), the Ad-
16 ministrator may recognize for credit toward nec-
17 essary local cost shares any properly documented ex-
18 penditures related to such project which may have
19 been made before the date of the grant award. Such
20 expenditures may include costs related to structure
21 inspections and appraisals, title searches, outreach
22 to potentially affected property owners, real estate
23 counseling and other necessary assistance, and plan-

1 ning for reuse of the properties in compliance with
2 this subsection.”.

○