

117TH CONGRESS
2D SESSION

H. R. 7865

To increase the availability of flood insurance for agricultural structures,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2022

Mr. GARAMENDI (for himself and Mr. LAMALFA) introduced the following bill;
which was referred to the Committee on Financial Services

A BILL

To increase the availability of flood insurance for agricultural
structures, 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 “Flood Insurance for
5 Farmers Act of 2022”.

6 **SEC. 2. AGRICULTURAL STRUCTURES IN SPECIAL FLOOD**
7 **HAZARD ZONES.**

8 (a) REQUIREMENTS FOR STATE AND LOCAL LAND
9 USE CONTROLS.—Subsection (a) of section 1315 of the
10 National Flood Insurance Act of 1968 (42 U.S.C.

1 4022(a)) is amended by adding at the end the following
2 new paragraph:

3 “(3) ALLOWABLE LOCAL VARIANCES FOR CER-
4 TAIN AGRICULTURAL STRUCTURES.—

5 “(A) REQUIREMENT.—Notwithstanding
6 any other provision of this Act—

7 “(i) the land use and control meas-
8 ures adopted pursuant to paragraph (1)
9 may not, for purposes of such paragraph,
10 be considered to be inadequate or incon-
11 sistent with the comprehensive criteria for
12 land management and use under section
13 1361 because such measures provide that,
14 in the case of any agricultural structure
15 that is located in an area having special
16 flood hazards, a variance from compliance
17 with the requirements to elevate or
18 floodproof such a structure and meeting
19 the requirements of subparagraph (B) may
20 be granted; and

21 “(ii) the Administrator may not sus-
22 pend a community from participation in
23 the national flood insurance program, or
24 place such a community on probation
25 under such program, because such land

1 use and control measures provide for such
2 a variance.

3 This subparagraph shall not limit the ability of
4 the Administrator to take enforcement action
5 against a community that does not adopt ade-
6 quate variance criteria or establish proper en-
7 forcement mechanisms.

8 “(B) VARIANCE; CONSIDERATIONS.—The
9 requirements of this subparagraph with respect
10 to a variance are as follows:

11 “(i) The variance is granted by an of-
12 ficial from a duly constituted State or local
13 zoning authority, or other authorized pub-
14 lic body responsible for regulating land de-
15 velopment or occupancy in flood-prone
16 areas.

17 “(ii) In the case of new construction,
18 such official has determined—

19 “(I) that neither floodproofing
20 nor elevation of the new structure to
21 the base flood elevation is practicable;
22 and

23 “(II) that the structure is not lo-
24 cated in—

1 “(aa) a designated regu-
2 latory floodway;

3 “(bb) an area riverward of a
4 levee or other flood control struc-
5 ture; or

6 “(cc) an area subject to high
7 velocity wave action or seaward
8 of flood control structures.

9 “(iii) In the case of existing struc-
10 tures—

11 “(I) if such structure is substan-
12 tially damaged or in need of substan-
13 tial repairs or improvements, such of-
14 ficial has determined that neither
15 floodproofing nor elevation to the base
16 flood elevation is practicable; and

17 “(II) if such structure is located
18 within a designated regulatory flood-
19 way, such official has determined that
20 the repair or improvement does not
21 result in any increase in base flood
22 levels during the base flood discharge.

23 “(iv) Such official has determined
24 that the variance will not result in in-
25 creased flood heights, additional threats to

1 public safety, extraordinary public expense,
2 create nuisances, cause fraud on or victim-
3 ization of the public, or conflict with exist-
4 ing local laws or ordinances.

5 “(v) Not more than one claim pay-
6 ment exceeding \$1,000 has been made for
7 the structure under flood insurance cov-
8 erage under this title within any period of
9 10 consecutive years at any time prior to
10 the granting of the variance.

11 “(C) DEFINITIONS.—For purposes of this
12 paragraph, the following definitions shall apply:

13 “(i) AGRICULTURAL STRUCTURE.—
14 The term ‘agricultural structure’ has the
15 meaning given such term in paragraph
16 (2)(D), except that such term includes not
17 more than one single-family dwelling that,
18 as of the date of enactment of this para-
19 graph, is located on the same property as
20 the agricultural operation, but only if such
21 dwelling is occupied by the owner or oper-
22 ator of the operation.

23 “(ii) FLOODPROOFING.—The term
24 ‘floodproofing’ means, with respect to a
25 structure, any combination of structural

1 and non-structural additions, changes, or
2 adjustments to the structure, including at-
3 tendant utilities and equipment, that re-
4 duce or eliminate potential flood damage to
5 real estate or improved real property,
6 water and sanitary facilities, structures, or
7 their contents.”.

8 (b) PREMIUM RATES.—Section 1308 of the National
9 Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended
10 by adding at the end the following new subsection:

11 “(n) PREMIUM RATES FOR CERTAIN AGRICULTURAL
12 STRUCTURES WITH VARIANCES.—Notwithstanding any
13 other provision of this Act, the chargeable premium rate
14 for coverage under this title for any structure provided a
15 variance pursuant to section 1315(a)(3) shall be the same
16 as the rate that otherwise would apply to such structure
17 if the structure had been dry floodproofed or a comparable
18 actuarial rate based upon the risk associated with struc-
19 tures within the applicable AL-E zone established under
20 section 1360(l).”.

21 **SEC. 3. OPTIONAL COVERAGE FOR UMBRELLA POLICIES.**

22 (a) IN GENERAL.—Subsection (b) of section 1306 of
23 the National Flood Insurance Act of 1968 (42 U.S.C.
24 4013(b)), is amended—

1 (1) in paragraph (4), by striking “and” at the
2 end;

3 (2) in paragraph (5), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(6) the Administrator may provide that, in the
8 case of any commercial property or other residential
9 property, including multifamily rental property and
10 agricultural property, one umbrella policy be made
11 available to every insured upon renewal and every
12 applicant with multiple structures on the same prop-
13 erty, except that—

14 “(A) purchase of such coverage shall be at
15 the option of the insured; and

16 “(B) any such coverage shall be made
17 available only at chargeable rates that are not
18 less than the estimated premium rates for such
19 coverage determined in accordance with section
20 1307(a)(1).”.

21 (b) REPORT TO CONGRESS.—Not later than the expi-
22 ration of the 5-year period beginning on the date of the
23 enactment of this Act, the Administrator of the Federal
24 Emergency Management Agency shall submit to the Con-
25 gress a report evaluating the implementation of section

1 1306(b)(6) of the National Flood Insurance Act of 1968,
2 as added by the amendments made by subsection (a) of
3 this section.

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