

117TH CONGRESS
2D SESSION

H. R. 7836

To amend the National Flood Insurance Act of 1968 to facilitate community action to address repetitively flooded areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2022

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

A BILL

To amend the National Flood Insurance Act of 1968 to facilitate community action to address repetitively flooded areas, 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 Planning Assistance Act of 2022”.

6 **SEC. 2. COMMUNITY ACTION TO ADDRESS REPETITIVELY**
7 **FLOODED AREAS.**

8 Section 1361 of the National Flood Insurance Act of
9 1968 (42 U.S.C. 4102) is amended by adding at the end
10 the following new subsection:

1 “(e) COMMUNITY ACTION FOR REPEATEDLY FLOOD-
2 ED AREAS.—

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

5 “(A) COVERED COMMUNITY.—The term
6 ‘covered community’ means a community—

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

10 “(ii) within which are located—

11 “(I) not fewer than 50 repetitive
12 loss structures; or

13 “(II) not fewer than 5 severe re-
14 petitive loss structures for which miti-
15 gation activities meeting the stand-
16 ards for approval under section
17 1366(c)(2)(A) (42 U.S.C.
18 4101c(c)(2)(A)) have not been con-
19 ducted; and

20 “(iii) which has been identified by the
21 Administrator as a priority for assessment
22 and mitigation in accordance with the reg-
23 ulations authorized by this section.

24 “(B) REPETITIVE LOSS STRUCTURE.—The
25 term ‘repetitive loss structure’ has the meaning

1 given such term in section 1370 (42 U.S.C.
2 4121).

3 “(C) SEVERE REPETITIVE LOSS STRUC-
4 TURE.—The term ‘severe repetitive loss struc-
5 ture’ has the meaning given such term in sec-
6 tion 1366(h) (42 U.S.C. 4101c(h)).

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

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

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

21 “(C) develop a community-specific plan for
22 mitigating continuing flood risks to the repeat-
23 edly damaged areas identified pursuant to sub-
24 paragraph (A);

1 “(D) submit the plan described in subpara-
2 graph (C) and any plan updates to the Admin-
3 istrator at appropriate intervals;

4 “(E) implement the plan described in sub-
5 paragraph (C); and

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

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

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

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

21 “(C) a plan completed for, conducted for,
22 and consistent with criteria for the community
23 rating system authorized under section 1315(b)
24 of this title (42 U.S.C. 4022(b)).

25 “(4) AUTHORIZATION AND ASSISTANCE.—

1 “(A) IN GENERAL.—The Administrator
2 may issue appropriate policies and regulations
3 to assist covered communities in identification
4 of repeatedly flooded areas and in implementing
5 practical plans for addressing the identified
6 flooding problems.

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

9 “(i) sharing of information in accord-
10 ance with the requirements of section 552a
11 of title 5, United States Code, and the sub-
12 chapter II of chapter 35 of title 44, United
13 States Code;

14 “(ii) consideration of possible sources
15 of financial assistance to communities, in-
16 cluding—

17 “(I) potential waiver or lowering
18 of non-Federal cost shares for mitiga-
19 tion of properties; and

20 “(II) potential priority for appli-
21 cable grant mitigation funding man-
22 aged by the Administrator;

23 “(iii) additional technical assistance to
24 communities the Administrator may deem
25 most at-risk for repeated flooding events;

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

“(v) special assistance aimed at implementing Executive Order 13985 (January 20, 2021) on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, as defined by the Administrator.

“(C) SPECIAL CONSIDERATIONS.—In determining an appropriate level of assistance for a covered community, as provided in subparagraph (B), the Administrator shall consider the extent to which the community is working to remedy problems associated with repeated flooding and the resources available to the covered community, including—

“(i) any Federal or State funding received by the covered community;

“(ii) the portion of the covered community that is located within areas having special flood hazards; and

1 “(iii) any other factor that makes it
2 difficult for the covered community to con-
3 duct mitigation activities for flood-prone
4 structures.

5 “(5) REPORTS TO CONGRESS.—Not later than
6 3 years after the date of enactment of this sub-
7 section, and not less frequently than once every 2
8 years thereafter, the Administrator shall submit to
9 the Congress a report regarding the progress made
10 by covered communities with respect to imple-
11 menting plans developed under paragraph (2)(C)
12 and, to the extent possible, the trends in numbers of
13 repetitive loss and severe repetitive loss properties.”.

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