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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To ensure fairness in mapping activities under the National Flood Insurance Program, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To ensure fairness in mapping activities under the National Flood Insurance Program, 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 “National Flood Insur-  
5 ance Program Mapping Fairness Act of 2017”.

6 **SEC. 2. COMMUNITY FLOOD MAPS.**

7 (a) **TECHNICAL MAPPING ADVISORY COUNCIL.**—Sec-  
8 tion 100215 of the Biggert-Waters Flood Insurance Re-

1 form Act of 2012 (42 U.S.C. 4101a) is amended by add-  
2 ing at the end the following new subsection:

3 “(m) COMMUNITY FLOOD MAPS.—

4 “(1) STANDARDS AND PROCEDURES.—In addi-  
5 tion to the other duties of the Council under this  
6 section, not later than the expiration of the 12-  
7 month period beginning on the date of the enact-  
8 ment of this subsection, the Council shall rec-  
9 ommend to the Administrator standards and re-  
10 quirements for chief executive officers, or entities  
11 designated by chief executive officers, of States and  
12 communities participating in the National Flood In-  
13 surance Program to use in mapping flood hazards  
14 located in States and communities that choose to de-  
15 velop alternative maps to the flood insurance rate  
16 maps developed by the Agency.

17 “(2) EXEMPTION FROM RULEMAKING.—Until  
18 such time as the Administrator promulgates regula-  
19 tions implementing paragraph (1) of this subsection,  
20 the Administrator may, notwithstanding any other  
21 provision of law, adopt policies and procedures nec-  
22 essary to implement such paragraphs without under-  
23 going notice and comment rulemaking and without  
24 conducting regulatory analyses otherwise required by  
25 statute, regulation, or executive order.”.

1 (b) FEMA IDENTIFICATION OF FLOOD-PRONE  
2 AREAS.—Subsection (a) of section 1360 of the National  
3 Flood Insurance Act of 1968 (42 U.S.C. 4101(a)) is  
4 amended—

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

7 (2) by redesignating paragraphs (1) and (2) as  
8 subparagraphs (A), and (B), respectively, and re-  
9 aligning such subparagraphs so as to be indented 4  
10 ems from the left margin;

11 (3) by striking “is authorized to consult” and  
12 inserting the following: “is authorized—

13 “(1) to consult”;

14 (4) by adding at the end the following new  
15 paragraph:

16 “(2) to receive proposed alternative maps from  
17 communities developed pursuant to standards and  
18 requirements recommended by the Technical Map-  
19 ping Advisory Council, as required by section  
20 100215(m) of the Biggert-Waters Flood Insurance  
21 Reform Act of 2012 (42 U.S.C. 4101a(m)) and  
22 adopted by the Administrator as required by section  
23 100216(c)(3) of such Act (42 U.S.C. 4101b(c)(3)),  
24 so that the Administrator may—

1           “(A) publish information with respect to  
2           all flood plain areas, including coastal areas lo-  
3           cated in the United States, which have special  
4           flood hazards, and

5           “(B) establish or update flood-risk zone  
6           data in all such areas, and make estimates with  
7           respect to the rates of probable flood caused  
8           loss for the various flood risk zones for each of  
9           these areas until the date specified in section  
10          1319.”.

11          (c) NATIONAL FLOOD MAPPING PROGRAM.—Section  
12 100216 of the Biggert-Waters Flood Insurance Reform  
13 Act of 2012 (42 U.S.C. 4101a) is amended—

14           (1) in subsection (a), by inserting “prepared by  
15           the Administrator, or by a community pursuant to  
16           section 1360(a)(2) of the National Flood Insurance  
17           Act of 1968,” after “Program rate maps”;

18           (2) in subsection (c)—

19           (A) in paragraph (1)(B), by striking “and”  
20           at the end;

21           (B) in paragraph (2)(C), by striking the  
22           period at the end and inserting a semicolon;  
23           and

24           (C) by adding at the end the following new  
25           paragraphs:

1           “(C) taking into consideration the recommenda-  
2           tions of the Technical Mapping Advisory Council  
3           made pursuant to section 100215(m) of the Biggert-  
4           Waters Flood Insurance Reform Act of 2012 (42  
5           U.S.C. 4101a(m)), establish and adopt standards  
6           and requirements for development by States and  
7           communities of alternative flood insurance rate maps  
8           to be submitted to the Administrator pursuant to  
9           section 1360(a)(2) of the National Flood Insurance  
10          Act of 1968; and

11          “(D) in the case of proposed alternative maps  
12          received by the Administrator pursuant to such sec-  
13          tion 1360(a)(2), not later than the expiration of the  
14          6-month period beginning upon receipt of such pro-  
15          posed alternative maps—

16                 “(A) determine whether such maps were  
17                 developed in accordance with the standards and  
18                 requirements adopted pursuant to subpara-  
19                 graph (C) of this paragraph; and

20                 “(B) approve or disapprove such proposed  
21                 maps for use under National Flood Insurance  
22                 Program.”; and

23                 (3) in subsection (d)(1), by inserting “max-  
24                 imum” before “30-day period” each place such term  
25                 appears in subparagraphs (B) and (C).

1 **SEC. 3. USE OF OTHER RISK ASSESSMENT TOOLS IN DE-**  
2 **TERMINING PREMIUM RATES.**

3 (a) ESTIMATES OF PREMIUM RATES.—Clause (i) of  
4 section 1307(a)(1)(A) of the National Flood Insurance  
5 Act of 1968 (42 U.S.C. 4014(a)(1)(A)(i)) is amended by  
6 inserting before the semicolon the following: “, and taking  
7 into account both the risk identified by the applicable flood  
8 insurance rate maps and by other risk assessment tools,  
9 including risk assessment scores from appropriate  
10 sources”.

11 (b) ESTABLISHMENT OF CHARGEABLE PREMIUM  
12 RATES.—Paragraph (1) of section 1308(b) of the Na-  
13 tional Flood Insurance Act of 1968 (42 U.S.C.  
14 4015(b)(1)) is amended by inserting before “; and” the  
15 following: “, taking into account both the risk identified  
16 by the applicable flood insurance rate maps and by other  
17 risk assessment tools, including risk assessment scores  
18 from appropriate sources”.

19 (c) EFFECTIVE DATE AND REGULATIONS.—

20 (1) EFFECTIVE DATE.—The amendments made  
21 by subsections (a) and (b) shall be made, and shall  
22 take effect, upon the expiration of the 36-month pe-  
23 riod beginning on the date of the enactment of this  
24 Act.

25 (2) REGULATIONS.—The Administrator of the  
26 Federal Emergency Management Agency shall issue

1 regulations necessary to implement the amendments  
2 made by subsections (a) and (b), which shall identify  
3 risk assessment tools to be used in identifying flood  
4 risk and appropriate sources for risk assessment  
5 scores to be so used. Such regulations shall be  
6 issued not later than the expiration of the 36-month  
7 period beginning on the date of the enactment of  
8 this Act and shall take effect upon the expiration of  
9 such period.

10 **SEC. 4. STREAMLINING OF FLOOD MAP PROCESSES.**

11 The Administrator of the Federal Emergency Man-  
12 agement Agency shall consult with the Technical Mapping  
13 Advisory Council established under section 100215 of the  
14 Biggert-Waters Flood Insurance Reform Act of 2012 (42  
15 U.S.C. 4101a) regarding methods of or actions to—

16 (1) make the flood map processes of the Coun-  
17 cil more efficient;

18 (2) minimize any cost, data, and paperwork re-  
19 quirements of the Council; and

20 (3) assist communities, and in particular small-  
21 er communities, in locating the resources required to  
22 successfully appeal flood elevations and flood hazard  
23 area designations.

24 Not later than the expiration of the 1-year period begin-  
25 ning on the date of the enactment of this Act, the Admin-

1    istrator shall submit a report to the Committee on Finan-  
2    cial Services of the House of Representatives and the  
3    Committee on Banking, Housing, and Urban Affairs of  
4    the Senate setting forth any recommendations for methods  
5    or actions developed pursuant to the consultation required  
6    under this section.

7    **SEC. 5. APPEALS REGARDING EXISTING FLOOD MAPS.**

8       (a) IN GENERAL.—Section 1360 of the National  
9    Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended  
10  by adding at the end the following new subsection:

11       “(k) APPEALS OF EXISTING MAPS.—

12           “(1) RIGHT TO APPEAL.—Subject to paragraph  
13    (6), a State or local government, or the owner or les-  
14    see of real property, who has made a formal request  
15    to the Administrator to update a flood map that the  
16    Administrator has denied may at any time appeal  
17    such a denial as provided in this subsection.

18           “(2) BASIS FOR APPEAL.—The basis for appeal  
19    under this subsection shall be the possession of  
20    knowledge or information that—

21           “(A) the base flood elevation level or des-  
22    ignation of any aspect of a flood map is sci-  
23    entifically or technically inaccurate; or

24           “(B) factors exist that mitigate the risk of  
25    flooding, including ditches, banks, walls, vegeta-



1           tion, levees, lakes, dams, reservoirs, basin, re-  
2           tention ponds, and other natural or manmade  
3           topographical features.

4           “(3) APPEALS PROCESS.—

5                 “(A) ADMINISTRATIVE ADJUDICATION.—

6           An appeal under this subsection shall be deter-  
7           mined by a final adjudication on the record,  
8           and after opportunity for an administrative  
9           hearing.

10               “(B) RIGHTS UPON ADVERSE DECISION.—

11           If an appeal pursuant to subparagraph (A) does  
12           not result in a decision in favor of the State,  
13           local government, owner, or lessee, such party  
14           may appeal the adverse decision to the Sci-  
15           entific Resolution Panel provided for in section  
16           1363A, which shall recommend a non-binding  
17           decision to the Administrator.

18           “(4) RELIEF.—

19                 “(A) WHOLLY SUCCESSFUL APPEALS.—In

20           the case of a successful appeal resulting in a  
21           policyholder’s property being removed from a  
22           special flood hazard area, such policyholder may  
23           cancel the policy at any time within the current  
24           policy year, and the Administrator shall provide  
25           such policyholder a refund in the amount of any

1 premiums paid for such policy year, plus any  
2 premiums paid for flood insurance coverage  
3 that the policyholder was required to purchase  
4 or maintain during the 2-year period preceding  
5 such policy year.

6 “(B) PARTIALLY SUCCESSFUL APPEALS.—  
7 In the case of any appeal in which mitigating  
8 factors were determined to have reduced, but  
9 not eliminated, the risk of flooding, the Admin-  
10 istrator shall reduce the amount of flood insur-  
11 ance coverage required to be maintained for the  
12 property concerned by the ratio of the success-  
13 ful portion of the appeal as compared to the en-  
14 tire appeal. The Administrator shall refund to  
15 the policyholder any payments made in excess  
16 of the amount necessary for such new coverage  
17 amount, effective from the time when the miti-  
18 gating factor was created or the beginning of  
19 the second policy year preceding the determina-  
20 tion of the appeal, whichever occurred later.

21 “(C) ADDITIONAL RELIEF.—The Adminis-  
22 trator may provide additional refunds in excess  
23 of the amounts specified in subparagraphs (A)  
24 and (B) if the Administrator determines that  
25 such additional amounts are warranted.

1           “(5) RECOVERY OF COSTS.— When, incident to  
2           any appeal which is successful in whole or part re-  
3           garding the designation of the base flood elevation  
4           or any aspect of the flood map, including elevation  
5           or designation of a special flood hazard area, the  
6           community, or the owner or lessee of real property,  
7           as the case may be, incurs expense in connection  
8           with the appeal, including services provided by sur-  
9           veyors, engineers, and scientific experts, the Admin-  
10          istrator shall reimburse such individual or commu-  
11          nity for reasonable expenses to an extent measured  
12          by the ratio of the successful portion of the appeal  
13          as compared to the entire appeal, but not including  
14          legal services, in the effecting of an appeal based on  
15          a scientific or technical error on the part of the Fed-  
16          eral Emergency Management Agency. No reimburse-  
17          ment shall be made by the Administrator in respect  
18          to any fee or expense payment, the payment of  
19          which was agreed to be contingent upon the result  
20          of the appeal.. The Administrator may use such  
21          amounts from the National Flood Insurance Fund  
22          established under section 1310 as may be necessary  
23          to carry out this paragraph.

24           “(6) INAPPLICABILITY TO PRIVATE AND COM-  
25          MUNITY FLOOD MAPS.—This subsection shall not

1 apply with respect to any flood map that is in effect  
2 pursuant to certification under the standards, guide-  
3 lines, and procedures established pursuant to section  
4 100215(m)(1)(B) of the Biggert-Waters Flood In-  
5 surance Reform Act of 2012 (42 U.S.C.  
6 4101a(m)(1)(B)).

7 “(7) GUIDANCE.—The Administrator shall  
8 issue guidance to implement this subsection, which  
9 shall not be subject to the notice and comment re-  
10 quirements under section 553 of title 5, United  
11 States Code.”.

12 (b) DEADLINE.—The Administrator of the Federal  
13 Emergency Management Agency shall issue the guidance  
14 referred to section 1360(k)(7) of the National Flood In-  
15 surance Act of 1968 (42 U.S.C. 4101(k)(7)), as added by  
16 the amendment made by subsection (a) of this section, not  
17 later than the expiration of the 6-month period beginning  
18 on the date of the enactment of this Act.

19 **SEC. 6. APPEALS AND PUBLICATION OF PROJECTED SPE-**  
20 **CIAL FLOOD HAZARD AREAS.**

21 (a) APPEALS.—Section 1363 of the National Flood  
22 Insurance Act of 1968 (42 U.S.C. 4104) is amended—  
23 (1) in subsection (b), by striking the second  
24 sentence and inserting the following: “Any owner or  
25 lessee of real property within the community who be-

1        believes the owner's or lessee's rights to be adversely  
2        affected by the Administrator's proposed determina-  
3        tion may appeal such determination to the local gov-  
4        ernment no later than 90 days after the date of the  
5        second publication.;"

6            (2) in subsection (d), by striking "subsection  
7        (e)" and inserting "subsection (f)";

8            (3) by redesignating subsections (e), (f), and  
9        (g) as subsections (f), (g), and (h), respectively; and

10          (4) by inserting after subsection (d) the fol-  
11        lowing new subsection:

12        "(e) DETERMINATION BY ADMINISTRATOR IN THE  
13        ABSENCE OF APPEALS.—If the Administrator has not re-  
14        ceived any appeals, upon expiration of the 90-day appeal  
15        period established under subsection (b) of this section the  
16        Administrator's proposed determination shall become  
17        final. The community shall be given a reasonable time  
18        after the Administrator's final determination in which to  
19        adopt local land use and control measures consistent with  
20        the Administrator's determination."

21        (b) PUBLICATION.—Subsection (a) of section 1363 of  
22        the National Flood Insurance Act of 1968 (42 U.S.C.  
23        4104(a)) is amended by striking "in the Federal Reg-  
24        ister".

1 (c) INAPPLICABILITY TO PRIVATE AND COMMUNITY  
2 FLOOD MAPS.—Section 1363 of the National Flood Insur-  
3 ance Act of 1968 (42 U.S.C. 4104) is amended by adding  
4 at the end the following new subsection:

5 “(h) INAPPLICABILITY TO PRIVATE AND COMMUNITY  
6 FLOOD MAPS.—This section shall not apply with respect  
7 to any flood map that is in effect pursuant to certification  
8 under the standards, guidelines, and procedures estab-  
9 lished pursuant to section 100215(m)(1)(B) of the  
10 Biggert-Waters Flood Insurance Reform Act of 2012 (42  
11 U.S.C. 4101a(m)(1)(B)).”.

12 **SEC. 7. COMMUNICATION AND OUTREACH REGARDING MAP**  
13 **CHANGES.**

14 Paragraph (1) of section 100216(d) of the Biggert-  
15 Waters Flood Insurance Reform Act of 2012 (42 U.S.C.  
16 4101b(d)(1)) is amended—

17 (1) in subparagraph (B), by inserting “max-  
18 imum” before “30-day period”; and

19 (2) in subparagraph (C), by inserting “max-  
20 imum” before “30-day period”.