

115TH CONGRESS  
1ST SESSION

# H. R. 1735

To direct the Administrator of the Federal Emergency Management Agency to issue guidance regarding implementation of certain buy-outs or the acquisition of property for open space as a flood mitigation measure, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2017

Mr. BABIN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To direct the Administrator of the Federal Emergency Management Agency to issue guidance regarding implementation of certain buy-outs or the acquisition of property for open space as a flood mitigation measure, 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 “Community Empower-  
5 ment for Mitigated Properties Act of 2017”.

1 **SEC. 2. GUIDANCE ON HAZARD MITIGATION ASSISTANCE.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of enactment of this Act, the Administrator of the  
4 Federal Emergency Management Agency shall issue guid-  
5 ance regarding a buy-out or the acquisition of property  
6 for open space as a mitigation measure under section 404  
7 of the Robert T. Stafford Disaster Relief and Emergency  
8 Assistance Act (42 U.S.C. 5170c) that includes—

9 (1) a process by which the State hazard mitiga-  
10 tion officer appointed for such a buy-out or acquisi-  
11 tion shall, not later than 60 days after the applicant  
12 for assistance enters into an agreement with the Ad-  
13 ministrator regarding the buy-out or acquisition,  
14 provide written notification to each affected unit of  
15 local government for such buy-out or acquisition  
16 that includes—

17 (A) the location of the buy-out or acquisi-  
18 tion;

19 (B) the State-local assistance agreement  
20 for the hazard mitigation grant program;

21 (C) a description of the buy-out or acquisi-  
22 tion; and

23 (D) a copy of the model deed restriction;  
24 and

25 (2) recommendations for entering into and im-  
26 plementing a memorandum of understanding be-

1       tween units of local government and covered entities  
2       that includes provisions to allow an affected unit of  
3       local government notified under paragraph (1) to—

4               (A) use and maintain the open space cre-  
5               ated by such a project, consistent with all ad-  
6               joining property, subject to the notification of  
7               the adjoining property, so long as the cost of  
8               the maintenance is borne by the local govern-  
9               ment; and

10              (B) maintain the open space pursuant to  
11              standards exceeding any local government  
12              standards defined in the agreement with the  
13              Administrator described under paragraph (1).

14       (b) DEFINITIONS.—In this section:

15              (1) AFFECTED UNIT OF LOCAL GOVERN-  
16              MENT.—The term “affected unit of local govern-  
17              ment” means any entity covered by the definition of  
18              local government in section 102 of the Robert T.  
19              Stafford Disaster Relief and Emergency Assistance  
20              Act (42 U.S.C. 5122), that has jurisdiction over the  
21              location of a buy-out or acquisition described in sub-  
22              section (a).

23              (2) COVERED ENTITY.—The term “covered en-  
24              tity” means—

1           (A) the grantee or subgrantee receiving as-  
2           sistance for an open space project described in  
3           subsection (a);

4           (B) the State in which such project is lo-  
5           cated;

6           (C) the applicable State hazard mitigation  
7           officer; and

8           (D) the applicable regional administrator.

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