Suspend the Rules and Pass the Bill, H.R. 3370, with an Amendment
(The amendment strikes all after the enacting clause and inserts a new text)

113TH CONGRESS
2D Session

H. R. 3370

To delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2013

Mr. Grimm (for himself, Ms. Waters, Mr. Richmond, Mr. Olson, Mr. Palazzo, Mr. Cassidy, Ms. Matsui, Mr. Cramer, Mr. Keating, Ms. Ros-Lehtinen, Ms. Brown of Florida, Mr. Hinojosa, Mr. Meeeks, Mr. McIntyre, Mr. Nadler, Mr. Nugent, Mr. Scott of Virginia, Mr. Langevin, Mr. Crowley, Ms. Moore, Mr. Thompson of Pennsylvania, Mr. Jones, Mr. Welch, Mr. Enyart, Mr. LoBiondo, Mr. Lynch, Mr. Carney, Mr. Scalise, Mr. CULBERSON, Ms. Castor of Florida, Mr. Garcia, Ms. Frankel of Florida, Ms. Velázquez, Ms. Schakowsky, Mr. King of New York, Mr. Pascrell, Mrs. Carolyn B. Maloney of New York, Ms. Wilson of Florida, Mr. Vela, Mr. Stockman, Mr. Boustany, Mr. Fitzpatrick, Mr. Rodney Davis of Illinois, Mr. Perlmutter, Mr. Whitfield, Mr. MCDERMOTT, Ms. Murphy of Florida, Mr. Elliston, Mr. Diaz-Balart, Mrs. ELSMORES, Mr. Gene Green of Texas, Mr. Buchanan, Mr. Andrews, Mr. Cleaver, Mr. Deutch, Mr. Garamendi, Ms. Jackson Lee, Mr. Jeffries, Mr. Clay, Mrs. McCArthy of New York, Ms. Pingree of Maine, Ms. TSONGAS, Ms. Wasserman Schultz, Mr. David Scott of Georgia, Mr. Harper, Mr. Maffei, Mr. Sires, Mr. Connolly, Mr. Polis, Mr. Pallone, Mr. Kennedy, Ms. Loretta Sanchez of California, Mr. Schrader, Mr. Bishop of New York, Ms. Slaughter, Mr. Gutiérrez, Ms. DeGETTE, Mr. Danny K. Davis of Illinois, Mr. Al. Green of Texas, and Mr. Holt) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Rules, 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 delay the implementation of certain provisions of the
Biggert-Waters Flood Insurance Reform Act of 2012,
and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the
“Homeowner Flood Insurance Affordability Act of 2014”.

(b) TABLE OF CONTENTS.—The table of contents for
this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Repeal of certain rate increases.
Sec. 4. Restoration of grandfathered rates.
Sec. 5. Requirements regarding annual rate increases.
Sec. 6. Annual premium surcharge.
Sec. 7. Risk transfer.
Sec. 8. Monthly installment payment for premiums.
Sec. 9. Optional high-deductible policies for residential properties.
Sec. 10. Exclusion of detached structures from mandatory purchase require-
ment.
Sec. 11. Accounting for flood mitigation activities in estimates of premium
rates.
Sec. 12. Home improvement fairness.
Sec. 13. Affordability study and report.
Sec. 14. Flood insurance rate map certification.
Sec. 15. Funds to reimburse homeowners for successful map appeals.
Sec. 16. Flood protection systems.
Sec. 17. Monthly reports regarding Reserve Fund ratio.
Sec. 18. Treatment of floodproofed residential basements.
Sec. 19. Exemption from fees for certain map change requests.
Sec. 20. Study of voluntary community-based flood insurance options.
Sec. 21. Designation of flood insurance advocate.
Sec. 22. Exceptions to escrow requirement for flood insurance payments.
Sec. 23. Flood mitigation methods for buildings.
Sec. 24. Mapping of non-structural flood mitigation features.
Sec. 25. Authority of States to regulate private flood insurance.
SEC. 2. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) NATIONAL FLOOD INSURANCE PROGRAM.—The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

SEC. 3. REPEAL OF CERTAIN RATE INCREASES.

(a) REPEAL.—

(1) IN GENERAL.—Section 1307(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)) is amended—

(A) by striking paragraphs (1) and (2);

(B) in paragraph (3), by striking “as a result of the deliberate choice of the holder of such policy” and inserting “, unless the decision of the policy holder to permit a lapse in flood insurance coverage was as a result of the property covered by the policy no longer being required to retain such coverage”; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.
(2) EFFECTIVE DATE.—The Administrator shall promulgate such regulations, and make available such rate tables, as necessary to implement the amendments made by paragraph (1) as if it were enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141; 126 Stat. 957).

(3) REGULATIONS.—To ensure community, stakeholder, and expert participation, regulations and rate tables necessary to implement the amendments made by paragraph (1) shall be published in the Federal Register and be open for comment for not less than 45 days before promulgation as final.

(4) REFUND OF EXCESS PREMIUM CHARGES COLLECTED.—The Administrator of the Federal Emergency Management Agency shall refund to insureds any premiums for flood insurance coverage under the National Flood Insurance Program collected in excess of the rates required under the amendments made by paragraph (1). To allow for necessary and appropriate implementation of the amendments made by paragraph (1), any premium changes necessary to implement such amendments, including any such premium refund due to policyholders, which shall be paid directly by the National
Flood Insurance Program, shall not be charged or paid to policyholders until after the Administrator promulgates final regulations and makes available such rate tables to implement such amendments.

(b) **Assumption of Policies at Existing Premium Rates.**—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by adding at the end the following new subsection:

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(d) Assumption of Policies.—The Administrator shall provide that the purchaser of a property that, as of the date of such purchase, is covered under an existing flood insurance policy under this title may assume such existing policy and coverage for the remainder of the term of the policy at the chargeable premium rates under such existing policy. Such rates shall continue with respect to such property until the later of (1) the expiration of the assumed policy, or (2) implementation by the Administrator of the Homeowner Flood Insurance Affordability Act of 2014.”.
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SEC. 4. **Restoration of Grandfathered Rates.**

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).
SEC. 5. REQUIREMENTS REGARDING ANNUAL RATE INCREASES.

Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2) the following new paragraph:

“(1) within any single risk classification, excluding properties for which the chargeable risk premium rate is not less than the applicable estimated risk premium rate under section 1307(a)(1), shall be increased by an amount that results in an average of such rate increases for properties within the risk classification during any 12-month period of not less than 5 percent of the average of the risk premium rates for such properties within the risk classification upon the commencement of such 12-month period;”;

(3) in paragraph (2) (as redesignated by sub-paragraph (A) of this paragraph), by striking “20 percent” and inserting “15 percent”; and

(4) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraph (2)”. 
SEC. 6. ANNUAL PREMIUM SURCHARGE.

(a) PREMIUM SURCHARGE.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1308 the following new section:

“SEC. 1308A. PREMIUM SURCHARGE.

“(a) IMPOSITION AND COLLECTION.—The Administrator shall impose and collect an annual surcharge, in the amount provided in subsection (b), on all policies for flood insurance coverage under the National Flood Insurance Program that are newly issued or renewed after the date of the enactment of this section. Such surcharge shall be in addition to the surcharge under section 1304(b) and any other assessments and surcharges applied to such coverage.

“(b) AMOUNT.—The amount of the surcharge under subsection (a) shall be—

“(1) $25, except as provided in paragraph (2);

and

“(2) $250, in the case of a policy for any property that is—

“(A) a non-residential property; or

“(B) a residential property that is not the primary residence of an individual.

“(c) TERMINATION.—Subsections (a) and (b) shall cease to apply on the date on which the chargeable risk
premium rate for flood insurance under this title for each property covered by flood insurance under this title is not less than the applicable estimated risk premium rate under section 1307(a)(1) for such property.”.

(b) **DEPOSIT IN RESERVE FUND.**—Subsection (c) of section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017a) is amended by adding at the end the following new paragraph:

“(4) **DEPOSIT OF PREMIUM SURCHARGES.**—The Administrator shall deposit in the Reserve Fund any surcharges collected pursuant to section 1308A.”.

**SEC. 7. DRAFT AFFORDABILITY FRAMEWORK.**

(a) **IN GENERAL.**—The Administrator shall prepare a draft affordability framework that proposes to address, via programmatic and regulatory changes, the issues of affordability of flood insurance sold under the National Flood Insurance Program, including issues identified in the affordability study required under section 100236 of the Bigger-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957).

(b) **CRITERIA.**—In carrying out the requirements under subsection (a), the Administrator shall consider the following criteria:

(1) Accurate communication to consumers of the flood risk associated with their properties.
(2) Targeted assistance to flood insurance policy holders based on their financial ability to continue to participate in the National Flood Insurance Program.

(3) Individual or community actions to mitigate the risk of flood or lower the cost of flood insurance.

(4) The impact of increases in risk premium rates on participation in the National Flood Insurance Program.

(5) The impact flood insurance rate map updates have on the affordability of flood insurance.

(c) DEADLINE FOR SUBMISSION.—Not later than 18 months after the date on which the Administrator submits the affordability study referred to in subsection (a), the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the draft affordability framework.

SEC. 8. RISK TRANSFER.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

Senator John Doe said...
“(e) Risk Transfer.—The Administrator may secure reinsurance of coverage provided by the flood insurance program from the private reinsurance and capital markets at rates and on terms determined by the Administrator to be reasonable and appropriate, in an amount sufficient to maintain the ability of the program to pay claims.”.

SEC. 9. MONTHLY INSTALLMENT PAYMENT FOR PREMIUMS.

Subsection (g) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(g)) is amended by striking “either annually or in more frequent installments” and inserting “annually, monthly, or in other installments that are more frequent than annually”.

SEC. 10. OPTIONAL HIGH-DEDUCTIBLE POLICIES FOR RESIDENTIAL PROPERTIES.

Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(e) Optional High-Deductible Policies for Residential Properties.—

“(1) Availability.—In the case of residential properties, the Administrator shall make flood insurance coverage available, at the option of the insured, that provides for an annual loss-deductible for dam-
age to the covered property in various amounts, up
to and including $10,000.

“(2) DISCLOSURE.—

“(A) FORM.—The Administrator shall pro-
vide the information described in subparagraph
(B) clearly and conspicuously on the application
form for flood insurance coverage or on a sepa-
rate form, segregated from all unrelated infor-

“(B) INFORMATION.—The information de-
scribed in this subparagraph is—

“(i) information sufficient to inform
the applicant of the availability of the cov-

“(ii) a statement explaining the effect
of an annual loss-deductible and that, in
the event of an insured loss, the insured is
responsible out-of-pocket for losses to the

extent of the deductible selected.”.
SEC. 11. EXCLUSION OF DETACHED STRUCTURES FROM MANDATORY PURCHASE REQUIREMENT.

Subsection (c) of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(c)) is amended by adding at the end the following new paragraph:

“(3) Detached structures.—Notwithstanding any other provision of this section, flood insurance shall not be required, in the case of any residential property, for any structure that is a part of such property but is detached from the primary residential structure of such property and does not serve as a residence.”.

SEC. 12. ACCOUNTING FOR FLOOD MITIGATION ACTIVITIES IN ESTIMATES OF PREMIUM RATES.

Subparagraph (A) of section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(A)) is amended to read as follows:

“(A) based on consideration of—

“(i) the risk involved and accepted actuarial principles; and

“(ii) the flood mitigation activities that an owner or lessee has undertaken on a property, including differences in the risk involved due to land use measures, floodproofing, flood forecasting, and similar measures,”.
SEC. 13. HOME IMPROVEMENT FAIRNESS.


SEC. 14. AFFORDABILITY STUDY AND REPORT.

(a) STUDY ISSUES.—Subsection (a) of section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(5) options for maintaining affordability if annual premiums for flood insurance coverage were to increase to an amount greater than 2 percent of the liability coverage amount under the policy, including options for enhanced mitigation assistance and means-tested assistance;

“(6) the effects that the establishment of catastrophe savings accounts would have regarding long-term affordability of flood insurance coverage; and
“(7) options for modifying the surcharge under 1308A, including based on homeowner income, property value or risk of loss.”.

(b) TIMING OF SUBMISSION.—Notwithstanding the deadline under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141; 126 Stat. 957), not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the affordability study and report required under such section 100236.

(c) AFFORDABILITY STUDY FUNDING.—Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957) is amended by striking “$750,000” and inserting “$2,000,000”.

SEC. 15. FLOOD INSURANCE RATE MAP CERTIFICATION.

The Administrator shall implement a flood mapping approach for the National Flood Insurance Program that, when applied, results in technically credible flood hazard data in all areas where Flood Insurance Rate Maps are
prepared or updated and shall certify in writing to the Congress when such an approach has been implemented.

SEC. 16. FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL MAP APPEALS.

(a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is amended by striking the second sentence and inserting the following: “The Administrator may use such amounts from the National Flood Insurance Fund established under section 1310 as may be necessary to carry out this subsection.”.

(b) CONFORMING AMENDMENT.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

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

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(8) for carrying out section 1363(f).”.

SEC. 17. FLOOD PROTECTION SYSTEMS.

(a) ADEQUATE PROGRESS ON CONSTRUCTION OF FLOOD PROTECTION SYSTEMS.—Section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)) is amended—
(1) in the first sentence, by inserting “or reconstruction” after “construction”; 

(2) by amending the second sentence to read as follows: “The Administrator shall find that adequate progress on the construction or reconstruction of a flood protection system, based on the present value of the completed flood protection system, has been made only if (1) 100 percent of the cost of the system has been authorized, (2) at least 60 percent of the cost of the system has been appropriated, (3) at least 50 percent of the cost of the system has been expended, and (4) the system is at least 50 percent completed.”; and 

(3) by adding at the end the following: “Notwithstanding any other provision of law, in determining whether a community has made adequate progress on the construction, reconstruction, or improvement of a flood protection system, the Administrator shall consider all sources of funding, including Federal, State, and local funds.”.

(b) COMMUNITIES RESTORING DISACCREDITED FLOOD PROTECTION SYSTEMS.—Section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(f)) is amended by amending the first sentence to read as follows: “Notwithstanding any other provision of
law, this subsection shall apply to riverine and coastal levees that are located in a community which has been determined by the Administrator of the Federal Emergency Management Agency to be in the process of restoring flood protection afforded by a flood protection system that had been previously accredited on a Flood Insurance Rate Map as providing 100-year frequency flood protection but no longer does so, and shall apply without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement of the flood protection system.”.

SEC. 18. MONTHLY REPORTS REGARDING RESERVE FUND RATIO.

Subsection (e) of section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017a) is amended, in the matter preceding paragraph (1), by inserting “monthly” before “report”.

SEC. 19. TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.

The Administrator shall continue to extend exceptions and variances for flood-proofed basement consistent with section 60.6 of title 44, Code of Federal Regulations, which are effective April 3, 2009; and section 60.3 of such title, which are effective April 3, 2009.
SEC. 20. EXEMPTION FROM FEES FOR CERTAIN MAP CHANGE REQUESTS.

Notwithstanding any other provision of law, a requester shall be exempt from submitting a review or processing fee for a request for a flood insurance rate map change based on a habitat restoration project that is funded in whole or in part with Federal or State funds, including dam removal, culvert redesign or installation, or the installation of fish passage.

SEC. 21. STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.

(a) Study.—

(1) Study required.—The Administrator shall conduct a study to assess options, methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program.

(2) Considerations.—The study conducted under paragraph (1) shall—

(A) take into consideration and analyze how voluntary community-based flood insurance policies—

(i) would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classi-
fications, and flood management approaches; and

(ii) could satisfy the applicable requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(B) evaluate the advisability of making available voluntary community-based flood insurance policies to communities, subdivisions of communities, and areas of residual risk.

(3) CONSULTATION.—In conducting the study required under paragraph (1), the Administrator may consult with the Comptroller General of the United States, as the Administrator determines is appropriate.

(b) REPORT BY THE ADMINISTRATOR.—

(1) REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results and conclusions of the study conducted under subsection (a).
(2) CONTENTS.—The report submitted under paragraph (1) shall include recommendations for—

(A) the best manner to incorporate voluntary community-based flood insurance policies into the National Flood Insurance Program; and

(B) a strategy to implement voluntary community-based flood insurance policies that would encourage communities to undertake flood mitigation activities, including the construction, reconstruction, or improvement of levees, dams, or other flood control structures.

(c) REPORT BY COMPTROLLER GENERAL.—Not later than 6 months after the date on which the Administrator submits the report required under subsection (b), the Comptroller General of the United States shall—

(1) review the report submitted by the Administrator; and

(2) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(A) an analysis of the report submitted by the Administrator;
(B) any comments or recommendations of the Comptroller General relating to the report submitted by the Administrator; and

(C) any other recommendations of the Comptroller General relating to community-based flood insurance policies.

SEC. 22. DESIGNATION OF FLOOD INSURANCE ADVOCATE.

(a) IN GENERAL.—The Administrator shall designate a Flood Insurance Advocate to advocate for the fair treatment of policy holders under the National Flood Insurance Program and property owners in the mapping of flood hazards, the identification of risks from flood, and the implementation of measures to minimize the risk of flood.

(b) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the Flood Insurance Advocate designated under subsection (a) shall be to—

(1) educate property owners and policyholders under the National Flood Insurance Program on—

(A) individual flood risks;

(B) flood mitigation;

(C) measures to reduce flood insurance rates through effective mitigation; and

(D) the flood insurance rate map review and amendment process;
(2) assist policy holders under the National Flood Insurance Program and property owners to understand the procedural requirements related to appealing preliminary flood insurance rate maps and implementing measures to mitigate evolving flood risks;

(3) assist in the development of regional capacity to respond to individual constituent concerns about flood insurance rate map amendments and revisions;

(4) coordinate outreach and education with local officials and community leaders in areas impacted by proposed flood insurance rate map amendments and revisions; and

(5) aid potential policy holders under the National Flood Insurance Program in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy.

SEC. 23. EXCEPTIONS TO ESCROW REQUIREMENT FOR FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) is amended—
(1) in subparagraph (A), in the second sentence, by striking “subparagraph (C)” and inserting “subparagraph (B)”; and

(2) in subparagraph (B)—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and adjusting the margins accordingly;

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(C) in the matter preceding subclause (I), as redesignated by subparagraph (B), by striking “(A) or (B), if—” and inserting the following: “(A)—

“(i) if—”;

(D) by striking the period at the end and inserting “; or”; and

(E) by adding at the end the following

“(ii) in the case of a loan that—

“(I) is in a junior or subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which flood
insurance is being provided at the
time of the origination of the loan;

“(II) is secured by residential im-
proved real estate or a mobile home
that is part of a condominium, coopera-
tive, or other project development, if
the residential improved real estate or
mobile home is covered by a flood in-
surance policy that—

“(aa) meets the require-
ments that the regulated lending
institution is required to enforce
under subsection (b)(1);

“(bb) is provided by the con-
doninium association, coopera-
tive, homeowners association, or
other applicable group; and

“(cc) the premium for which
is paid by the condominium asso-
ciation, cooperative, homeowners
association, or other applicable
group as a common expense;

“(III) is secured by residential
improved real estate or a mobile home
that is used as collateral for a business purpose;

“(IV) is a home equity line of credit;

“(V) is a nonperforming loan; or

“(VI) has a term of not longer than 12 months.”.

(b) Applicability.—

(1) In general.—

(A) Required application.—The amendments to section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) made by section 100209(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) and by subsection (a) of this section shall apply to any loan that is originated, refinanced, increased, extended, or renewed on or after January 1, 2016.

(B) Optional application.—

(i) Definitions.—In this subparagraph—

(I) the terms “Federal entity for lending regulation”, “improved real estate”, “regulated lending institu-
tion”, and “servicer” have the meanings given the terms in section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003);

(II) the term “outstanding loan” means a loan that—

(aa) is outstanding as of January 1, 2016;

(bb) is not subject to the requirement to escrow premiums and fees for flood insurance under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) as in effect on July 5, 2012; and

(cc) would, if the loan had been originated, refinanced, increased, extended, or renewed on or after January 1, 2016, be subject to the requirements under section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended; and

(III) the term “section 102(d)(1)(A) of the Flood Disaster
Protection Act of 1973, as amended’’
means section 102(d)(1)(A) of the
Flood Disaster Protection Act of 1973
(42 U.S.C. 4012a(d)(1)(A)), as
amended by—

(aa) section 100209(a) of
the Biggert-Waters Flood Insur-
ance Reform Act of 2012 (Public
Law 112–141; 126 Stat. 920);
and

(bb) subsection (a) of this
section.

(ii) Option to Escrow Flood In-
surance Payments.—Each Federal enti-
ity for lending regulation (after consulta-
tion and coordination with the Federal Fi-
nancial Institutions Examination Council)
shall, by regulation, direct that each regu-
lated lending institution or servicer of an
outstanding loan shall offer and make
available to a borrower the option to have
the borrower’s payment of premiums and
fees for flood insurance under the National
Flood Insurance Act of 1968 (42 U.S.C.
4001 et seq.), including the escrow of such
payments, be treated in the same manner provided under section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended.

(2) Repeal of 2-Year Delay on Applicability.—Subsection (b) of section 100209 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) is repealed.

(3) Rule of Construction.—Nothing in this section or the amendments made by this section shall be construed to supersede, during the period beginning on July 6, 2012 and ending on December 31, 2015, the requirements under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)), as in effect on July 5, 2012.

SEC. 24. FLOOD MITIGATION METHODS FOR BUILDINGS.

Not later than 1 year after the date of the enactment of this Act, the Administrator shall issue guidelines for property owners that—

(1) provide alternative methods of mitigation, other than building elevation, to reduce flood risk to residential buildings that cannot be elevated due to their structural characteristics, including—

(A) types of building materials; and
(B) types of floodproofing; and

(2) inform property owners about how the implementation of mitigation methods described in paragraph (1) may affect risk premium rates for flood insurance coverage under the National Flood Insurance Program.

SEC. 25. MAPPING OF NON-STRUCTURAL FLOOD MITIGATION FEATURES.

Section 100216 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking “and” at the end;

(B) by redesignating clause (v) as clause (vi);

(C) by inserting after clause (iv) the following new clause:

“(v) areas that are protected by non-structural flood mitigation features; and”;

and

(D) in clause (vi) (as so redesignated), by inserting before the semicolon at the end the following: “and by non-structural flood mitigation features”; and

(2) in subsection (d)(1)—
(A) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(B) in subparagraph (C) (as so redesignated), by striking “subparagraph (A)” and inserting “subparagraph (B)”; and

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) work with States, local communities, and property owners to identify areas and features described in subsection (b)(1)(A)(v);”.

SEC. 26. AUTHORITY OF STATES TO REGULATE PRIVATE FLOOD INSURANCE.

Paragraph (7) of section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)(7)) is amended to read as follows:

“(7) PRIVATE FLOOD INSURANCE DEFINED.— In this subsection, the term ‘private flood insurance’ means an insurance policy that—

“(A) provides flood insurance coverage;

“(B) is issued by an insurance company that is—

“(i) licensed, admitted, or otherwise approved to engage in the business of in-
insurance in the State or jurisdiction in which the insured building is located, by the insurance regulator of that State or jurisdiction; or

“(ii) eligible as a nonadmitted insurer to provide insurance in the State or jurisdiction where the property to be insured is located, in accordance with sections 521 through 527 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8201-6); and

“(C) is issued by an insurance company that is not otherwise disapproved as a surplus lines insurer by the insurance regulator of the State or jurisdiction where the property to be insured is located.”.