

117TH CONGRESS
1ST SESSION

S. 2833

To amend the National Flood Insurance Act of 1968 to address the premium rates for certain properties under the National Flood Insurance Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Mr. LEE (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the National Flood Insurance Act of 1968 to address the premium rates for certain properties 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 “NFIP Underwater
5 Properties Act”.

1 **SEC. 2. EXTREME REPETITIVE LOSS STRUCTURES.**

2 Chapter I of the National Flood Insurance Act of
3 1968 (42 U.S.C. 4011 et seq.) is amended by adding at
4 the end the following:

5 **“SEC. 1326. EXTREME REPETITIVE LOSS STRUCTURES.**

6 “(a) DEFINITION.—In this section, the term ‘extreme
7 repetitive loss structure’ means a structure that—

8 “(1) is covered under a contract for flood insur-
9 ance made available under this title; and

10 “(2) has incurred flood-related damage for
11 which, during a 10-year period, not fewer than 2
12 separate claims payments have been made under
13 flood insurance coverage under this title, with the
14 cumulative amount of such claims exceeding 120
15 percent of the assessed value of the structure, as of
16 the date on which the first such claim payment is
17 made.

18 “(b) TREATMENT OF STRUCTURES.—Notwith-
19 standing any other provision of this title, if, after the date
20 on which a structure qualifies as an extreme repetitive loss
21 structure, the structure incurs flood-related damage for
22 which a claim under flood insurance coverage under this
23 title is filed with the Administrator—

24 “(1) the Administrator shall assess the claim in
25 accordance with the requirements of this title and

1 any other applicable provision of law or regulation;
2 and

3 “(2) after resolution of the claim—

4 “(A) the Administrator shall prescribe a
5 chargeable risk premium rate with respect to
6 the structure that represents an actuarially
7 sound rate; and

8 “(B) the rate described in subparagraph
9 (A) shall not be subject to the limitation under
10 section 1308(e)(1), unless—

11 “(i) the Administrator—

12 “(I) performs an examination of
13 the structure; and

14 “(II) determines that the struc-
15 ture is not located in an area having
16 special flood hazards; or

17 “(ii) the most recent flood insurance
18 rate map published by the Administrator
19 does not indicate that the structure is lo-
20 cated in an area having special flood haz-
21 ards.”.

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