

114TH CONGRESS  
1ST SESSION

# S. 487

To amend the National Flood Insurance Act of 1968 to allow the rebuilding, without elevation, of certain structures that are located in areas having special flood hazards and are substantially damaged by fire, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2015

Mrs. FEINSTEIN 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 allow the rebuilding, without elevation, of certain structures that are located in areas having special flood hazards and are substantially damaged by fire, 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 “Fire-Damaged Home  
5 Rebuilding Act of 2015”.

1 **SEC. 2. REQUIREMENTS FOR STATE AND LOCAL LAND USE**  
 2 **CONTROLS.**

3 Section 1315(a) of the National Flood Insurance Act  
 4 of 1968 (42 U.S.C. 4022(a)) is amended by adding at the  
 5 end the following:

6 “(3) ALLOWABLE LOCAL VARIANCES FOR CER-  
 7 TAIN RESIDENTIAL STRUCTURES.—

8 “(A) DEFINITIONS.—In this paragraph—

9 “(i) the term ‘covered area’ means an  
 10 area having special flood hazards that—

11 “(I) is or will be protected by a  
 12 levee system—

13 “(aa) that meets or will  
 14 meet the requirements estab-  
 15 lished under section 65.10 of title  
 16 44, Code of Federal Regulations,  
 17 or any successor thereto; and

18 “(bb) with respect to which  
 19 adequate progress toward the re-  
 20 pair, replacement, or construction  
 21 of the levee system has been  
 22 made, provided that such prog-  
 23 ress is acceptable to the local  
 24 floodplain manager; and

25 “(II) absent the protection pro-  
 26 vided by the levee system, is subject

1 to significant base flood elevations of  
2 not less than a reasonable height, as  
3 determined by the Administrator;

4 “(ii) the term ‘eligible structure’  
5 means a residential structure that—

6 “(I) is located in a covered area;

7 and

8 “(II) is substantially damaged by  
9 a fire or other disaster, not including  
10 a flood; and

11 “(iii) the term ‘substantially dam-  
12 aged’, with respect to a structure, means a  
13 structure that incurs substantial damage,  
14 as that term is defined in section 59.1 of  
15 title 44, Code of Federal Regulations, or  
16 any successor thereto.

17 “(B) AUTHORIZATION FOR VARIANCES.—

18 Notwithstanding any other provision of this  
19 title, the adequate land use and control meas-  
20 ures required to be adopted in an area (or sub-  
21 division thereof) pursuant to paragraph (1) may  
22 permit an appropriate State or local authority  
23 to grant a variance described in subparagraph  
24 (C).

1           “(C) REQUIREMENTS FOR VARIANCES.—A  
2 variance described in this subparagraph is a  
3 variance from compliance with the adequate  
4 land use and control measures required to be  
5 adopted in an area (or subdivision thereof) pur-  
6 suant to paragraph (1) that allows for the re-  
7 pair and restoration of an eligible structure to  
8 its predamaged condition without elevation of  
9 the structure, after an appropriate State or  
10 local authority determines that—

11           “(i) the repaired and restored struc-  
12 ture will be located on the same site as the  
13 structure was located before being substan-  
14 tially damaged by a fire or other disaster,  
15 not including a flood;

16           “(ii) the footprint of the repaired and  
17 restored structure will not exceed the foot-  
18 print of the original structure;

19           “(iii) the number of floors of the re-  
20 paired and restored structure will not ex-  
21 ceed the number of floors of the original  
22 structure;

23           “(iv) no claims payments have been  
24 made under flood insurance coverage under

1           this title for damages to or loss of the  
2           structure;

3           “(v) the owner of the structure has  
4           owned the structure continually from be-  
5           fore the time of the damage described in  
6           clause (i); and

7           “(vi) the repair and restoration of the  
8           structure is for the purpose of occupancy  
9           by the owner of the structure.

10          “(D) MAXIMUM NUMBER OF VARIANCES.—  
11          During any calendar year, an appropriate State  
12          or local authority may not grant more than 10  
13          variances in accordance with this paragraph for  
14          a covered area.

15          “(E) PROHIBITION.—The Administrator  
16          may not—

17                 “(i) find that land use and control  
18                 measures are inadequate or inconsistent  
19                 with the comprehensive criteria for land  
20                 management and use under section 1361  
21                 because the land use and control measures  
22                 permit the granting of a variance in ac-  
23                 cordance with this paragraph; or

24                 “(ii) suspend an area (or subdivision  
25                 thereof) from participation in the national

1 flood insurance program or place an area  
2 (or subdivision thereof) on probation under  
3 the national flood insurance program be-  
4 cause the area has adopted land use and  
5 control measures that permit the granting  
6 of a variance in accordance with this para-  
7 graph.”.

8 **SEC. 3. PREMIUM RATES.**

9 Section 1308 of the National Flood Insurance Act of  
10 1968 (42 U.S.C. 4015) is amended by adding at the end  
11 the following:

12 “(n) PROHIBITION ON LOWERING PREMIUM RATE  
13 FOR STRUCTURES REBUILT PURSUANT TO CERTAIN  
14 VARIANCES.—Notwithstanding any other provision of this  
15 title, after the repair and restoration of a residential struc-  
16 ture pursuant to a variance granted in accordance with  
17 section 1315(a)(3), the chargeable premium rate for the  
18 structure may not be lower than the rate that otherwise  
19 would apply to the structure if the structure had not been  
20 substantially damaged by a fire or other disaster, not in-  
21 cluding a flood, and repaired and restored pursuant to the  
22 variance.”.

○