

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4803

To amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2000

Mr. STARK introduced the following bill; which was referred to the Committee on Banking and Financial Services

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## A BILL

To amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes.

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 Fairness Act”.

1 **SEC. 2. NOTIFICATION AND APPEAL OF MAP CHANGES.**

2 Subsection (h) of section 1360 of the National Flood  
3 Insurance Act of 1968 (42 U.S.C. 4101(h)) is amended  
4 to read as follows:

5 “(h) NOTIFICATION AND APPEAL OF FLOOD MAP  
6 CHANGES.—

7 “(1) NOTIFICATION.—In the case of any change  
8 to flood insurance map panels, including any change  
9 in the form of a letter of map amendment or a letter  
10 of map revision, the Director shall provide notice of  
11 such change by—

12 “(A) providing the chief executive officer of  
13 each community affected by the change, by reg-  
14 istered mail, a copy of the revised maps for  
15 such community and a statement explaining the  
16 process under this subsection to appeal to the  
17 Director for changes in such revised maps; and

18 “(B) causing notice of such changes to be  
19 published in the Federal Register, which notice  
20 shall include information sufficient to identify  
21 the communities affected and the changes  
22 made, information explaining how to obtain  
23 copies of the changes and revisions, and a state-  
24 ment explaining the process under this sub-  
25 section to appeal to the Director for changes in  
26 such revised maps.

1           “(2) APPEALS.—With respect to any change to  
2 a flood insurance map panel, during the 30-day pe-  
3 riod beginning upon the occurrence of the last of the  
4 actions required under subparagraphs (A) and (B)  
5 of paragraph (1), a community affected by the  
6 change may appeal the change by submitting an ob-  
7 jection to the change, in writing, to the Director.  
8 Such an objection may provide additional evidence  
9 relating to the objection or a request for additional  
10 time to obtain information related to the objection.  
11 The right of a community to appeal a change to  
12 flood insurance map panels under this subsection  
13 shall be in addition to any right or opportunity for  
14 a community to appeal such a change under section  
15 1363.

16           “(3) RESPONSE TO APPEAL.—During the 30-  
17 day period that begins upon the receipt by the Di-  
18 rector of an objection pursuant to paragraph (2), the  
19 Director shall determine whether to deny the objec-  
20 tion, revise the changes to the flood insurance map  
21 panels in response to the objection, or to grant addi-  
22 tional time to the community to obtain evidence re-  
23 lated to the objection. Immediately upon making  
24 such determination, the Director shall notify the

1 chief executive officer of the community, in writing  
2 and by registered mail, of such determination.

3 “(4) ADDITIONAL TIME.—If the Director grants  
4 a community additional time to obtain evidence re-  
5 lated to the objection—

6 “(A) the notification pursuant to para-  
7 graph (3) shall state the amount of time grant-  
8 ed; and

9 “(B) during the 30-day period beginning  
10 upon the earlier of the submission of such evi-  
11 dence or the expiration of such additional time  
12 granted, the Director shall determine whether  
13 to deny the objection or revise the changes to  
14 flood insurance map panels in response to the  
15 objection.

16 Immediately upon making such determination, the  
17 Director shall notify the chief executive officer of the  
18 community, in writing and by registered mail, of  
19 such determination.

20 “(5) NOTIFICATION TO HOMEOWNERS.—

21 “(A) IN GENERAL.—Not later than 30  
22 days after any final determination described in  
23 subparagraph (B), the Director shall, by first  
24 class mail, provide written notification, to each  
25 owner of real property affected by the change to

1 flood insurance map panels resulting from such  
2 determination, of—

3 “(i) the status of such property with  
4 respect to flood zone and flood insurance  
5 purchase requirements under this Act and  
6 the Flood Disaster Protection Act of 1973;  
7 and

8 “(ii) information regarding how and  
9 where to obtain any coverage required and  
10 the estimated cost of such coverage.

11 “(B) FINAL DETERMINATIONS.—A final  
12 determination described in this subparagraph  
13 is—

14 “(i) the expiration of the period under  
15 paragraph (2) without receipt by the Di-  
16 rector of an objection in accordance with  
17 such paragraph;

18 “(ii) a determination pursuant to  
19 paragraph (3) or (4)(B) to deny an objec-  
20 tion; or

21 “(iii) a determination pursuant to  
22 paragraph (3) or (4)(B) to revise the  
23 changes to flood insurance map panels in  
24 response to the objection in a manner such

1           that such panels are altered from the pan-  
2           els in effect before such changes.

3           “(6) EFFECTIVE DATE OF CHANGES.—A  
4           change to a flood insurance map panel shall take  
5           effect—

6           “(A) with respect to any property for  
7           which such change results in the initial applica-  
8           bility of any requirement under this Act or the  
9           Flood Disaster Protection Act of 1973 to pur-  
10          chase flood insurance for the property, upon the  
11          expiration of the 6-month period beginning  
12          upon the date that notice under paragraph (5)  
13          is mailed to the owner of such property; and

14          “(B) with respect to any property for  
15          which such change results in elimination of any  
16          such purchase requirement or decreases the  
17          cost of coverage required, immediately upon the  
18          final determination under paragraph (5) re-  
19          garding such change.

20          “(7) REIMBURSEMENT OF PROPERTY OWNERS  
21          FOR COSTS INCURRED IN APPEALS.—If an owner of  
22          a real property affected by a change to flood insur-  
23          ance map panels incurs expense in connection with  
24          the services of surveyors, engineers, or similar serv-  
25          ices, but not including legal services, in effecting any

1 appeal of such change to the Director, which is suc-  
2 cessful in whole or in part, the Director shall reim-  
3 burse such individual for such expense. The amount  
4 of such reimbursement shall be determined by the  
5 Director, based on the ratio of the successful portion  
6 of the appeal as compared to the entire appeal. The  
7 Director shall apply such ratio to the average cost  
8 of such services in the community for jobs of a simi-  
9 lar size.”.

10 **SEC. 4. NOTIFICATION OF ESTABLISHMENT OF FLOOD ELE-**  
11 **VATIONS.**

12 Section 1363 of the National Flood Insurance Act of  
13 1968 (42 U.S.C. 4104) is amended by striking the section  
14 designation and all that follows through the end of sub-  
15 section (a) and inserting the following:

16 “SEC. 1363. (a) In establishing projected flood ele-  
17 vations for land use purposes with respect to any commu-  
18 nity pursuant to section 1361, the Director shall first pro-  
19 pose such determinations—

20 “(1) by providing the chief executive officer of  
21 each community affected by the proposed elevations,  
22 by registered mail, notice of the elevations, including  
23 a copy of the maps for the elevations for such com-  
24 munity and a statement explaining the process

1 under this section to appeal for changes in such ele-  
2 vations;

3 “(2) by causing notice of such elevations to be  
4 published in the Federal Register, which notice shall  
5 include information sufficient to identify the ele-  
6 vation determinations and the communities affected,  
7 information explaining how to obtain copies of the  
8 elevations, and a statement explaining the process  
9 under this section to appeal for changes in the ele-  
10 vations; and

11 “(3) by publishing the elevations in a prominent  
12 local newspaper.”.

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