

115TH CONGRESS
2D SESSION

H. R. 5569

To establish a pilot program to enhance the mapping of urban flooding and associated property damage and the availability of such mapped data to homeowners, businesses, and localities to help understand and mitigate the risk of such flooding, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2018

Mr. QUIGLEY (for himself, Mr. CULBERSON, and Mr. RUPPERSBERGER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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 establish a pilot program to enhance the mapping of urban flooding and associated property damage and the availability of such mapped data to homeowners, businesses, and localities to help understand and mitigate the risk of such flooding, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Flood Mapping Mod-
3 ernization and Homeowner Empowerment Pilot Program
4 Act of 2018”.

5 **SEC. 2. FLOOD MAPPING MODERNIZATION AND HOME-**
6 **OWNER EMPOWERMENT PILOT PROGRAM.**

7 (a) IN GENERAL.—The Administrator of the Federal
8 Emergency Management Agency shall carry out a pilot
9 program to make grants to units of local government to
10 enhance the mapping of urban flooding and associated
11 property damage and the availability of such mapped data
12 to homeowners, businesses, and units of local government
13 to enable them to minimize the risk of such flooding.

14 (b) OBJECTIVES.—Amounts from grants made under
15 the pilot program under this section may be used only to
16 carry out activities to meet the following objectives:

17 (1) To develop a methodology for assessing
18 urban flood risk through the deployment of tech-
19 nology-based mapping tools that are easily under-
20 standable by the public and effectively convey infor-
21 mation regarding the level of flood risk.

22 (2) To provide structure-specific projections of
23 annual chance flood frequency.

24 (3) To provide structure-based flood-risk assess-
25 ments.

1 (4) To provide urban flood-risk mitigation pro-
2 gram design.

3 (5) To incorporate information regarding cli-
4 mate trends into urban flooding risk assessments.

5 (6) To make the information described in this
6 subsection publicly available on the Internet through
7 a web-based portal so as to increase transparency re-
8 garding homeowner flood risks.

9 (c) ELIGIBLE RECIPIENTS.—

10 (1) IN GENERAL.—Grants under the pilot pro-
11 gram under this section may be made only to units
12 of general local government located in a urbanized
13 areas, as such term is used by the Bureau of the
14 Census of the Department of Commerce, having
15 populations exceeding 50,000 or to stormwater man-
16 agement authorities of such units of general local
17 government.

18 (2) ONE-TIME GRANTS.—A grant under the
19 pilot program under this section may not be made
20 to—

21 (A) any unit of general local governmental,
22 or stormwater management authority of a unit
23 of general government, that has previously re-
24 ceived a grant under the pilot program;

1 (B) any unit of general local government if
2 the stormwater management agency for such
3 unit has previously received a grant under the
4 pilot program; or

5 (C) any stormwater management agency of
6 a unit of general local government if such unit
7 has previously received a grant under the pilot
8 program.

9 (3) TREATMENT OF STORMWATER MANAGE-
10 MENT AUTHORITIES.—In the case of a stormwater
11 management authority that operates with respect to
12 more than one unit of general local government, the
13 application of such authority shall be considered for
14 purposes of paragraph (2) of this subsection and
15 subsections (e), (f), and (g)(1) to be made for the
16 largest unit of general local government for which
17 such authority operates. The preceding sentence
18 shall not limit the ability of such authority to carry
19 out activities under the demonstration project in any
20 other jurisdictions or unit of local government with
21 respect to which the authority operates.

22 (d) APPLICATIONS.—To be eligible for a grant under
23 this section a unit of general local government or
24 stormwater management agency shall submit to the Ad-

1 ministrator an application in such form and containing
2 such information as the Administrator shall require.

3 (e) SELECTION OF RECIPIENTS.—

4 (1) ANNUAL SELECTION.—Subject to para-
5 graph (2) and to the submission of approvable appli-
6 cations, in each fiscal year for which amounts are
7 made available for grants under the pilot program
8 under this section the Administrator shall select,
9 from among applications submitted under subsection
10 (d) for such fiscal year, 3 units of general govern-
11 ment or stormwater management authorities to re-
12 ceive grants under the pilot program under this sec-
13 tion.

14 (2) AGGREGATE LIMIT.—Subject only to the
15 submission of approvable applications, the Adminis-
16 trator shall select, in the aggregate over the entire
17 duration of the pilot program under this section, 12
18 units of general government or stormwater manage-
19 ment authorities to receive grants under the pilot
20 program, as follows:

21 (A) TIER 1.—Three of the applicants se-
22 lected shall be units of general local govern-
23 ment, or stormwater management authorities
24 for such units, having a population exceeding
25 800,000, as follows:

1 (i) PELAGIC COASTAL CITY.—One
2 shall be a unit of general local government,
3 or stormwater authority for such a unit,
4 that is a pelagic unit.

5 (ii) NON-PELAGIC COASTAL CITY.—
6 One shall be unit of general local govern-
7 ment, or stormwater authority for such a
8 unit, that is a coastal unit, but not a pe-
9 lagic unit.

10 (iii) NON-COASTAL CITY.—One shall
11 be unit of general local government, or
12 stormwater authority for such a unit, that
13 is not a coastal unit.

14 (B) TIER 2.—Six of the applicants selected
15 shall be units of general local government, or
16 stormwater management authorities for such
17 units, having a population exceeding 200,000
18 but not exceeding 800,000, as follows:

19 (i) COASTAL CITIES.—Three shall be
20 units of general local government, or
21 stormwater management authorities for
22 such units, that are coastal units.

23 (ii) NON-COASTAL CITIES.—Three
24 shall be units of general local government,

1 or stormwater management authorities for
2 such units, that are not coastal units.

3 (C) TIER 3.—Three of the applicants se-
4 lected shall be units of general local govern-
5 ment, or stormwater management authorities
6 for such units, having a population exceeding
7 50,000 but not exceeding 200,000.

8 (f) PRIORITY.—

9 (1) IN GENERAL.—The Administrator shall se-
10 lect applicants for grants under the pilot program
11 under this section based on the extent to which their
12 applications will achieve the objectives set forth in
13 subsection (b).

14 (2) TIERS 2 AND 3.—In selecting applicants to
15 receive grants under the pilot program under this
16 section pursuant to subparagraphs (B) and (C) of
17 subsection (e)(2), the Administrator shall give pri-
18 ority to applicants—

19 (A) that are highly vulnerable to sea level
20 rise;

21 (B) within which are located a military in-
22 stallation or other facility relating to national
23 security concerns; or

24 (C) that have a population that is highly
25 vulnerable to urban flooding and have an un-

1 even capacity for flood mitigation and response
2 efforts resulting from socioeconomic factors.

3 (g) AMOUNT.—

4 (1) CONSIDERATIONS.—In determining the
5 amount of grant under the pilot program under this
6 section, the Administrator shall consider the popu-
7 lation of the grant recipient, which may be consid-
8 ered in terms of the tier under subsection (e)(2) of
9 the recipient.

10 (2) FEDERAL SHARE.—The amount of a grant
11 under the pilot program under this section may not
12 exceed 75 percent of the total cost of the activities
13 under subsection (b) to be carried out using the
14 grant amounts.

15 (h) DURATION.—The Administrator shall require
16 each recipient of a grant under the pilot program under
17 this section to complete the activities under subsection (b)
18 to be carried out using the grant amounts before the expi-
19 ration of the 18-month period beginning upon the initial
20 receipt of grant amounts under the pilot program.

21 (i) USE OF CENSUS DATA.—The Administrator shall
22 make all determinations under the pilot program regard-
23 ing population using the most recent available data from
24 the decennial census.

1 (j) GRANTEE REPORTS TO FEMA.—Each recipient
2 of a grant under the pilot program under this section
3 shall, not later than the expiration of the 30-month period
4 beginning upon the initial receipt of any such grant
5 amounts, submit to the Administrator a report that de-
6 scribes—

7 (1) the activities carried out with amounts from
8 the grant;

9 (2) how the activities carried out with such
10 grant amounts have met the objectives described in
11 subsection (b); and

12 (3) any lessons learned in carrying out such ac-
13 tivities and any recommendations for future map-
14 ping modernization efforts by the Federal Emer-
15 gency Management Agency.

16 (k) BIENNIAL REPORTS BY FEMA.—Not later than
17 the expiration of the 24-month period beginning on the
18 date of the enactment of this Act, and not later than the
19 expiration of each successive 24-month period thereafter
20 until the completion of all activities carried out with
21 amounts from grants under the pilot program under this
22 section, the Administrator shall submit to the Congress
23 and make available to the public on an Internet website
24 a report that—

25 (1) describes—

1 (A) the progress of the activities carried
2 out with amounts from such grants; and

3 (B) the effectiveness of technology-based
4 mapping tools used in carrying out the activi-
5 ties described in subparagraph (A); and

6 (2) with respect to the final report that the Ad-
7 ministrator is required to submit under this sub-
8 section, includes recommendations to the Congress
9 and the executive branch of the Federal Government
10 for implementing strategies, practices, and tech-
11 nologies to mitigate the effects of urban flooding.

12 (l) SENSE OF CONGRESS.—It is the sense of Congress
13 that, because the pilot program is limited with respect to
14 scope and resources, communities that participate in the
15 pilot program should acknowledge that the most successful
16 efforts to mitigate the effects of urban flooding—

17 (1) take a structural-based mitigation approach
18 with respect to construction, which includes—

19 (A) recognizing any post-storm damage
20 that may occur; and

21 (B) pursuing designs that proactively mini-
22 mize future flood damage;

23 (2) make individuals in the community aware,
24 through any cost-effective and available means of
25 education, of the best approaches regarding the con-

1 construction of properties that are able to survive
2 floods, which reduces the cost of future repairs; and

3 (3) encourage home and property owners to
4 consider the measures described in paragraphs (1)
5 and (2), which are the most cost-effective and pru-
6 dent ways to reduce the impact of flooding, when
7 constructing or renovating building components.

8 (m) DEFINITIONS.—For purposes of this section, the
9 following definitions shall apply:

10 (1) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the Federal
12 Emergency Management Agency.

13 (2) COASTAL.—The term “coastal” means, with
14 respect to a unit of general local government, that
15 the unit borders a body of water that—

16 (A) exceeds 2,000 square miles in size; and

17 (B) is not a river.

18 (3) PELAGIC.—The term “pelagic” means, with
19 respect to a unit of general local government, that
20 the unit is a coastal unit and the body of water that
21 the unit borders is an ocean or other large, open
22 body of water (including bays and gulfs) that
23 empties into an ocean.

24 (4) URBAN FLOODING.—

1 (A) IN GENERAL.—The term “urban flood-
2 ing” means the inundation of property in a
3 built environment, particularly in more densely
4 populated areas, caused either by falling rain
5 collecting on impervious surfaces or increasing
6 the levels of nearby water bodies and over-
7 whelming the capacity of drainage systems,
8 such as storm sewers, including—

9 (i) situations in which stormwater en-
10 ters buildings through windows, doors, or
11 other openings;

12 (ii) water backup through sewer pipes,
13 showers, toilets, sinks, and floor drains;

14 (iii) seepage through walls and floors;

15 (iv) the accumulation of water on
16 property or public rights-of-way; and

17 (v) the overflow from water bodies,
18 such as rivers, lakes, and oceans.

19 (B) EXCLUSION.—Such term does not in-
20 clude flooding in undeveloped or agricultural
21 areas.

22 (n) FUNDING.—There is authorized to be appro-
23 priated for grants under the pilot program under this sec-
24 tion—

25 (1) \$1,200,000 for fiscal year 2019; and

- 1 (2) \$4,300,000 for fiscal year 2020, to remain
- 2 available through 2022.

