

Union Calendar No. 309

115TH CONGRESS
1ST SESSION

H. R. 1735

[Report No. 115–417]

To direct the Administrator of the Federal Emergency Management Agency to issue guidance regarding implementation of certain buy-outs or the acquisition of property for open space as a flood mitigation measure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2017

Mr. BABIN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

NOVEMBER 21, 2017

Additional sponsor: Ms. EDDIE BERNICE JOHNSON of Texas

NOVEMBER 21, 2017

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To direct the Administrator of the Federal Emergency Management Agency to issue guidance regarding implementation of certain buy-outs or the acquisition of property for open space as a flood mitigation measure, 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 “Community Empower-
 5 ment for Mitigated Properties Act of 2017”.

6 **SEC. 2. GUIDANCE ON HAZARD MITIGATION ASSISTANCE.**

7 (a) IN GENERAL.—Not later than 180 days after the
 8 date of enactment of this Act, the Administrator of the
 9 Federal Emergency Management Agency shall issue guid-
 10 ance regarding a ~~buy-out~~ ~~or~~ the acquisition of property
 11 for open space as a mitigation measure under section 404
 12 of the Robert T. Stafford Disaster Relief and Emergency
 13 Assistance Act (42 U.S.C. 5170c) that includes—

14 (1) a process by which the State hazard mitiga-
 15 tion officer appointed for such a ~~buy-out~~ ~~or~~ an ac-
 16 quisition shall, not later than 60 days after the ap-
 17 plicant for assistance enters into an agreement with
 18 the Administrator regarding the ~~buy-out~~ ~~or~~ acquisi-
 19 tion, provide written notification to each affected
 20 unit of local government for such ~~buy-out~~ ~~or~~ acquisi-
 21 tion that includes—

22 (A) the location of the ~~buy-out~~ ~~or~~ acquisi-
 23 tion;

24 (B) the State-local assistance agreement
 25 for the hazard mitigation grant program;

1 (C) a description of the ~~buy-out or~~ acquisi-
 2 tion; and

3 (D) a copy of the ~~model~~ deed restriction;
 4 and

5 (2) recommendations for entering into and im-
 6 plementing a memorandum of understanding be-
 7 tween units of local government and covered entities
 8 that includes provisions to allow an affected unit of
 9 local government notified under paragraph (1) to—

10 (A) use and maintain the open space cre-
 11 ated by such a project, *consistent with section*
 12 *404 (including related regulations, standards,*
 13 *and guidance)* and consistent with all adjoining
 14 property, subject to the notification of the ad-
 15 joining property, so long as the cost of the
 16 maintenance is borne by the local government;
 17 and

18 (B) maintain the open space pursuant to
 19 standards exceeding any local government
 20 standards defined in the agreement with the
 21 Administrator described under paragraph (1).

22 (b) DEFINITIONS.—In this section:

23 (1) AFFECTED UNIT OF LOCAL GOVERN-
 24 MENT.—The term “affected unit of local govern-
 25 ment” means any entity covered by the definition of

1 local government in section 102 of the Robert T.
 2 Stafford Disaster Relief and Emergency Assistance
 3 Act (42 U.S.C. 5122), that has jurisdiction over the
 4 ~~location of a buy-out or~~ *property subject to the* acqui-
 5 sition described in subsection (a).

6 (2) COVERED ENTITY.—The term “covered en-
 7 tity” means—

8 (A) the grantee or subgrantee receiving as-
 9 sistance for an open space project described in
 10 subsection (a);

11 (B) the State in which such project is lo-
 12 cated; *and*

13 ~~(C) the applicable State hazard mitigation~~
 14 ~~officer; and~~

15 ~~(D) the applicable regional administrator.~~

16 *(C) the applicable Regional Administrator*
 17 *of the Federal Emergency Management Agency.*

Amend the title so as to read: “A bill to direct the Administrator of the Federal Emergency Management Agency to issue guidance regarding the acquisition of property for open space as a flood mitigation measure, and for other purposes.”.

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