

113TH CONGRESS  
1ST SESSION

# H. R. 3315

To amend the National Flood Insurance Act of 1968 to allow the repair, expansion, and construction, without elevation, of agricultural structures located in special flood hazard zones, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2013

Mr. LAMALFA (for himself, Mr. GARAMENDI, Ms. MATSUI, Mr. MCNERNEY, and Mr. DENHAM) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the National Flood Insurance Act of 1968 to allow the repair, expansion, and construction, without elevation, of agricultural structures located in special flood hazard zones, 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 “Agricultural Structures  
5 Building Act of 2013”.

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

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

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

8 “(A) REQUIREMENT.—Notwithstanding  
9 any other provision of this Act, the land use  
10 and control measures adopted pursuant to  
11 paragraph (1) may not, for purposes of such  
12 paragraph, be considered to be inadequate or  
13 inconsistent with the comprehensive criteria for  
14 land management and use under section 1361  
15 because such measures provide that, in the case  
16 of any agricultural structure that is located in  
17 an area having special flood hazards, a variance  
18 in accordance with subparagraph (B) may be  
19 granted, and the Administrator may not sus-  
20 pend a community from participation in the na-  
21 tional flood insurance program, or place such a  
22 community on probation under such program,  
23 because such land use and control measures  
24 provide for such a variance.

25 “(B) VARIANCE; CONSIDERATIONS.—A  
26 variance in accordance with this subparagraph

1 is a variance, granted by an appropriate official  
2 of the community, from compliance with such  
3 land use and control measures that allows for  
4 the repair, expansion, or construction of such  
5 agricultural structure without elevation of the  
6 structure, but only after a determination by  
7 such appropriate official that—

8 “(i) in the case of new construction,  
9 the agricultural structure is subject to base  
10 flood elevations of at least three feet;

11 “(ii) in the case of existing structures,  
12 it is not practicable to elevate the repaired  
13 or expanded structure to the base flood ele-  
14 vation;

15 “(iii) the structure is located within 5  
16 miles of active agricultural operations; and

17 “(iv) not more than one claim pay-  
18 ment exceeding \$1,000 has been made for  
19 the structure under flood insurance cov-  
20 erage under this title within any period of  
21 10 consecutive years.

22 “(C) DEFINITION OF AGRICULTURAL  
23 STRUCTURE.—For purposes of this paragraph,  
24 the term ‘agricultural structure’ means any ag-  
25 ricultural product processing facility, agricul-

1 tural product storage facility, shed, farmhouse,  
2 barn, or other structure which has as its pri-  
3 mary purpose supporting the agricultural indus-  
4 try.”.

5 **SEC. 3. PREMIUM RATES.**

6 Section 1308 of the National Flood Insurance Act of  
7 1968 (42 U.S.C. 4015) is amended by adding at the end  
8 the following new subsection:

9 “(j) **PREMIUM RATES FOR CERTAIN AGRICULTURAL**  
10 **STRUCTURES WITH VARIANCES.**—Notwithstanding any  
11 other provision of this Act, the chargeable premium rate  
12 for coverage under this title for any structure provided a  
13 variance pursuant to section 1315(a)(3) shall be the rate  
14 that otherwise would apply to such structure if the struc-  
15 ture had been repaired, expanded, or constructed before  
16 the establishment of the special flood hazard area.”.

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