

state, and local governmental agencies, to encourage the application of such criteria and the adoption and enforcement of such measures.

**(d) Flood mitigation methods for buildings**

The Administrator shall establish guidelines for property owners that—

(1) provide alternative methods of mitigation, other than building elevation, to reduce flood risk to residential buildings that cannot be elevated due to their structural characteristics, including—

- (A) types of building materials; and
- (B) types of floodproofing; and

(2) inform property owners about how the implementation of mitigation methods described in paragraph (1) may affect risk premium rates for flood insurance coverage under the National Flood Insurance Program.

(Pub. L. 90-448, title XIII, §1361, Aug. 1, 1968, 82 Stat. 587; Pub. L. 91-152, title IV, §410(c), Dec. 24, 1969, 83 Stat. 397; Pub. L. 98-181, title I [title IV, §451(d)(1)], Nov. 30, 1983, 97 Stat. 1229; Pub. L. 112-141, div. F, title II, §100238(b)(1), July 6, 2012, 126 Stat. 958; Pub. L. 113-89, §26(a)(1), Mar. 21, 2014, 128 Stat. 1032.)

AMENDMENTS

2014—Subsec. (d). Pub. L. 113-89 added subsec. (d).

2012—Subsecs. (a), (c). Pub. L. 112-141 substituted “Administrator” for “Director”.

1983—Subsecs. (a), (c). Pub. L. 98-181 substituted “Director” for “Secretary”.

1969—Subsec. (c). Pub. L. 91-152 substituted provisions requiring development of criteria designed to encourage adoption of adequate State and local measures, for provisions requiring development of criteria designed to encourage adoption of permanent State and local measures.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

GUIDELINES

Pub. L. 113-89, §26(a)(2), Mar. 21, 2014, 128 Stat. 1032, provided that: “The Administrator [of the Federal Emergency Management Agency] shall issue the guidelines required under section 1361(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4102(d)), as added by the amendment made by paragraph (1) of this subsection, not later than the expiration of the 1-year period beginning on the date of the enactment of this Act [Mar. 21, 2014].”

TASK FORCE ON NATURAL AND BENEFICIAL FUNCTIONS OF THE FLOODPLAIN

Pub. L. 103-325, title V, §562, Sept. 23, 1994, 108 Stat. 2276, established the Task Force on Natural and Beneficial Functions of the Floodplain to conduct a study

on the functions of the floodplain that reduce flood-related losses and provided for its termination 24 months after its last member was designated.

**§ 4102a. Repealed. Pub. L. 112-141, div. F, title II, § 100225(c), July 6, 2012, 126 Stat. 941**

Section, Pub. L. 90-448, title XIII, §1361A, as added Pub. L. 108-264, title I, §102(a), June 30, 2004, 118 Stat. 714, created a pilot program for mitigation of severe repetitive loss properties by mitigating flood damage to such properties and losses to the National Flood Insurance Fund from such properties.

**§ 4103. Repealed. Pub. L. 103-325, title V, § 551(a), Sept. 23, 1994, 108 Stat. 2269**

Section, Pub. L. 90-448, title XIII, §1362, Aug. 1, 1968, 82 Stat. 588; Pub. L. 95-128, title VII, §704(b), Oct. 12, 1977, 91 Stat. 1145; Pub. L. 98-181, title I [title IV, §451(d)(1)], Nov. 30, 1983, 97 Stat. 1229, related to purchase, by Director, of insured properties damaged substantially beyond repair by flood, for subsequent transfer to State or local agency upon negotiated conditions.

SAVINGS PROVISION

Pub. L. 103-325, title V, §551(c), Sept. 23, 1994, 108 Stat. 2269, required the Director of the Federal Emergency Management Agency to comply with any purchase or loan commitment entered into before the expiration of the 1-year period beginning on Sept. 23, 1994, pursuant to authority under this section or section 551(b) of Pub. L. 103-325.

TRANSITION PHASE

Pub. L. 103-325, title V, §551(b), Sept. 23, 1994, 108 Stat. 2269, permitted the Director of the Federal Emergency Management Agency to enter into loan and purchase commitments as provided under this section (as in effect immediately before the enactment of Pub. L. 103-325) during the 1-year period beginning on Sept. 23, 1994.

**§ 4104. Flood elevation determinations**

**(a) Publication or notification of proposed flood elevation determinations**

In establishing projected flood elevations and designating areas having special flood hazards for land use purposes with respect to any community pursuant to section 4102 of this title, the Administrator shall first propose such determinations and designations by publication for comment in the Federal Register, by direct notification to the chief executive officer of the community, and by publication in a prominent local newspaper.

**(b) Publication of flood elevation determinations; appeal of owner or lessee to local government; scientific or technical knowledge or information as basis for appeal; modification of proposed determinations**

The Administrator shall publish notification of flood elevation determinations and designations of areas having special flood hazards in a prominent local newspaper at least twice during the ten-day period following notification to the local government. During the ninety-day period following the second publication, any owner or lessee of real property within the community who believes his property rights to be adversely affected by the Administrator's proposed determination may appeal such determination to the local government. The sole grounds for appeal shall be the possession of knowledge or informa-