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## Local Government Committee

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### SSB 5649

**Brief Description:** Concerning floodproofing improvements to residential structures undertaken in accordance with the Chehalis basin strategy.

**Sponsors:** Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senator Braun).

#### Brief Summary of Substitute Bill

- Allows the Department of Ecology, with the local government's concurrence, to waive the prohibition on the construction, repair, or replacement of a residential structure within a designated floodway for a proposed project that substantially improves the residential structure for the primary purpose of reducing the risk of flood damage.

**Hearing Date:** 2/16/24

**Staff:** Kellen Wright (786-7134).

#### **Background:**

##### National Flood Insurance Program.

The federal government has established the National Flood Insurance Program (NFIP) to offer property owners insurance against flood damage and to reduce flood damage through floodplain management. Through the NFIP, flood insurance is made available to communities that adopt restrictions on floodplain development.

##### Floodplain Management in Washington.

Floodplain management in Washington is exercised through local government administration of the NFIP regulation requirements, the establishment of statewide minimum requirements for

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floodplains, and the issuance of regulatory orders for the planning, construction, operation, and maintenance of any works, structures, or improvements that might, if improperly planned, constructed, operated, or maintained, lead to increased floodwater damage.

The Department of Ecology (Department) is responsible for coordinating floodplain management for the state. The Department is charged with, among other things, reviewing local government floodplain management ordinances.

All local governments must submit any new or amended floodplain management ordinances to the Department for review. The ordinance may take effect 30 days after the submission to the Department, unless the Department disapproves the ordinance. The Department may disapprove any ordinance that does not comply with:

- minimum NFIP requirements;
- minimum state requirements; or
- restrictions on land use within designated floodways, including the prohibition on the construction, repair, or replacement of residential structures, except for repairs or improvements that do not increase the ground floor area, and repairs and improvements that do not cost more than 50 percent of the market value of the property prior to the repair or improvement, or, in the case of repairs to a damaged building, prior to the damage.

The prohibition on construction, repair, or replacement does not apply to existing farmhouses located on lands of long-term agricultural significance under certain conditions. The Department, with the concurrence of the local government, can also waive the prohibition on the repair or replacement of a substantially damaged residential structure if the Department assesses the risk posed by the specific conditions of the floodway and, exercising its best professional judgment, recommends the repair or replacement of the structure, and the local government concurs.

A floodway is the channel of a watercourse plus any adjacent floodplain areas that must be kept free of encroachment so that the 100-year flood discharge can be conveyed without increasing the elevation of the 100-year flood by more than one foot. A 100-year flood is a flood that has a 1 percent chance of being equaled or exceeded in any given year.

**Summary of Bill:**

The Department, with the concurrence of the local government, may waive the prohibition on the construction, repair, or replacement of a residential structure within a designated floodway for a proposed project that substantially improves the residential structure for the primary purpose of reducing the risk of flood damage if the Department assesses the risk posed by the specific conditions of the floodway and, exercising its best professional judgment, recommends the repair or replacement of the structure.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.