

FINAL BILL REPORT

SSB 5649

C 187 L 24
Synopsis as Enacted

Brief Description: Concerning improvements to residential structures to reduce the risk of flood damage.

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

Senate Committee on Local Government, Land Use & Tribal Affairs
House Committee on Local Government

Background: National Flood Insurance Program. The National Flood Insurance Program (NFIP), administered by the Federal Emergency Management Agency, provides flood insurance to property owners, renters, and businesses to reduce the economic impacts of floods. The NFIP is a public-private partnership between the federal government, the property and casualty insurance industry, states, local officials, lending institutions, and property owners.

Floodplain Management. The Department of Ecology (Ecology) is responsible for coordinating floodplain management regulations of the NFIP. Counties and incorporated cities are required to adopt floodplain management ordinances that comply with the minimum standards set forth in the NFIP and state statute. Floodplain management ordinances may restrict development in floodways and require flood resistant or floodproofed buildings in flood-prone areas. Jurisdictions required to adopt floodplain management ordinances must submit any new ordinances or amendments to existing ordinances to Ecology.

Ecology may disapprove any ordinance or amendment if it finds the ordinance or amendment does not comply with:

- the restriction of land uses within designated floodways, including the prohibition of construction or reconstruction, repair, or replacement of residential structures, except for:
 1. repairs, reconstruction, or improvements to a structure which do not increase

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the ground floor area;

2. repairs, reconstruction, or improvements to a structure the cost of which does not exceed 50 percent of the market value of the structure either before the repair is started or, if the structure has been damaged, before the damage occurred;

- the minimum requirements of the national flood insurance program; and
- the minimum state requirements adopted under the floodplain management program that are applicable to a particular county, city, or town.

Ecology, at the request of a local jurisdiction, may assess the risk of harm to life and property posed by specific conditions of the floodway, and may exercise best professional judgement in recommending to the permitting authority the repair, replacement, or relocation of damaged structures. Ecology's recommendation to allow repair or replacement of a substantially damaged residential structure within the designated floodway is a waiver of the floodway prohibition.

Summary: Ecology's recommendation to allow repair or replacement of a substantially damaged residential structure within the designated floodway may apply to proposed projects that substantially improve residential structures for the primary purpose of reducing risk of flood damage. Such residential structures are not required to be substantially damaged to qualify for the potential waiver.

Votes on Final Passage:

2023 Regular Session

Senate 48 0

2024 Regular Session

Senate 48 0

House 95 0 (House amended)

Senate 48 0 (Senate concurred)

Effective: June 6, 2024