



House of Representatives

General Assembly

File No. 139

February Session, 2012

House Bill No. 5256

House of Representatives, March 27, 2012

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING STATE FUNDED HOUSING RECONSTRUCTION WITHIN A FLOODPLAIN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 25-68d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (h) The provisions of subsections (a) to (d), inclusive, and (f) and (g)
5 of this section shall not apply to the following critical activities above
6 the one-hundred-year flood elevation that involve state funded
7 housing reconstruction, rehabilitation or renovation, provided the state
8 agency that provides funding for such activity certifies that it complies
9 with the provisions of the National Flood Insurance Program and the
10 requirements of this subsection: (1) Projects involving the renovation
11 or rehabilitation of existing housing on the Department of Economic
12 and Community Development's most recent affordable housing
13 appeals list; (2) construction of minor structures to an existing building
14 for the purpose of providing handicapped accessibility pursuant to the

15 State Building Code; (3) construction of open decks attached to
16 residential structures, properly anchored in accordance with the State
17 Building Code; (4) the demolition and reconstruction of existing
18 housing for persons and families of low and moderate income,
19 provided there is no increase in the number of dwelling units and (A)
20 such reconstruction is limited to the footprint of the existing
21 foundation of the building or buildings used for such purpose, or
22 which could be used for such purpose subsequent to reconstruction, or
23 (B) such reconstruction is on a parcel of land where the elevation of
24 such land is above the one-hundred-year flood elevation. [, provided
25 there is no placement of fill within an adopted Federal Emergency
26 Management Agency flood zone.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	25-68d(h)

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill results in no state or municipal fiscal impact by modifying an exemption for certain reconstruction activities above the one-hundred year flood plain.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5256*****AN ACT CONCERNING STATE FUNDED HOUSING RECONSTRUCTION WITHIN A FLOODPLAIN.*****SUMMARY:**

This bill allows certain state-funded low- and moderate-income housing reconstruction to use fill in certain federal flood zones without obtaining an approval, or exemption from approval, from the Department of Energy and Environmental Protection (DEEP) commissioner.

By law, the DEEP commissioner must generally approve or exempt a state agency activity or critical activity proposed in or affecting the floodplain (between the 100-year and 500-year flood elevations). Certain critical activities involving state-funded housing reconstruction, rehabilitation, or renovation, above the 100-year flood elevation are exempt from commissioner review if the funding agency certifies that such activity complies with the National Flood Insurance Program (NFIP) and meets the exemption requirements.

One such exempt critical activity is the demolition and reconstruction of low- and moderate-income housing under certain conditions. Under current law, to be exempt, the reconstruction must not increase the number of dwelling units and be (1) limited to the footprint of the existing foundation or (2) above the 100-year flood elevation without placing fill in an adopted Federal Emergency Management Agency flood zone. The bill allows such projects using fill without obtaining the DEEP commissioner's approval or exemption from approval.

EFFECTIVE DATE: Upon passage

BACKGROUND***Activity and Critical Activity***

An “activity” is a proposed state action that is in a floodplain or that affects natural or man-made storm drainage facilities located on property the commissioner determines is under state control (CGS § 25-68b(1)). A “critical activity” is an activity, including treating, storing, and disposing of hazardous waste, and the siting of hospitals, housing for the elderly, schools, or homes, in the 0.2% (500-year) floodplain in which the commissioner determines that a slight chance of flooding is too great (CGS § 25-68b(4)).

National Flood Insurance Program

The NFIP enables property owners in participating communities to purchase insurance as a protection against flood losses in exchange for community floodplain management regulations that reduce future flood damages. NFIP participation is based on an agreement between communities and the federal government (44 CFR § 59 et seq.).

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 29 Nay 0 (03/14/2012)