
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)