

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES TO UNDERTAKE
ACTIVITIES WITHIN THEIR STORMWATER MANAGEMENT PROGRAMS TO
IMPLEMENT FLOOD REDUCTION TECHNIQUES THAT RESULT IN
IMPROVEMENTS TO PRIVATE PROPERTY

The General Assembly of North Carolina enacts:

SECTION 1. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"§ 160A-311.1. Flood control activities under stormwater management programs.

(a) Findings. – The General Assembly finds that it is in the best interest of the residents of North Carolina to promote and fund the implementation of stormwater management programs to control and manage water quantity and flow in order to reduce the chances of loss of life and damage to property due to flooding. The General Assembly also finds that a city has an integral role in furthering this public purpose by promoting and funding implementation of stormwater management programs within the city's territorial jurisdiction to reduce reliance on emergency response services, to reduce negative financial impacts on the community and the public from flooding, including the cost of public infrastructure repairs and to decrease the number of flood-prone homes and businesses.

(b) Scope. – A city is authorized to do any of the following activities within its stormwater management program:

- (1) Purchase property for the purpose of demolishing flood-prone buildings.
- (2) Implement flood damage reduction techniques that result in improvements to private property in accordance with subsection (c) of this section, that may include, but are not limited to the following:
 - a. Elevating structures or their associated components.
 - b. Demolishing flood-prone structures.
 - c. Retrofitting flood-prone structures.

(c) Policy Document. – A city may engage in the activities listed in subdivision (b)(2) of this section only under the circumstances contained in a policy document approved by the city council. The policy document shall, at a minimum, establish, and may elaborate on, the following:

- (1) The private property owner's written consent must be obtained prior to the implementation of flood reduction improvements on the owner's property.
- (2) The city has determined that improving the stormwater system is not practically feasible or cost-effective, and the activities listed in subdivision (b)(2) of this section provide savings to the stormwater program.
- (3) The improvements to the private property are the minimum necessary to accomplish the stormwater benefit.

- (4) The funding provided by the city, above a certain amount, to the property owner or expended upon improvements to the property shall be reimbursed to the city if the property is sold within five years of the completion of the flood reduction improvement project. The amount of reimbursement due to the city may be calculated as the difference between the established premitigation fair market value and the sale price of the property, not to exceed the total funding provided by the city.
- (5) The minimum financial contribution the private property owner must make to the flood reduction improvement project.

(d) Advisory Committee. – An existing stormwater advisory committee established by the city council, and having specific charges, duties, and representation as set forth by the city council, must review and approve projects that implement flood damage reduction techniques under subdivision (b)(2) of this section. The committee shall submit an annual report to the city council for its review.

(e) Application. – This section applies only to cities that have a population greater than 200,000 according to the most recent annual population estimates certified by the State Budget Office."

SECTION 2. This act is effective when it becomes law.