

A RESOLUTION

25-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2023

To declare the existence of an emergency with respect to the need to amend the District of Columbia Applications Insurance Implementation Act to repeal the direction to the Mayor that the functions enumerated in the act be delegated to the Director of the Department of Buildings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Floodplain Review Authority Emergency Declaration Resolution of 2023”.

Sec. 2. (a) Section 501(b) of the Department of Buildings Establishment Act of 2020, effective April 5, 2021 (D.C. Law 23-269; 68 DCR 1490), amended the District of Columbia Applications Insurance Implementation Act, effective May 26, 1976 (D.C. Law 1-64; D.C. Official Code § 6-501 *et seq.*) (“Applications Insurance Act”) by adding a new section 6B (D.C. Official Code § 6-507) that directs the Mayor to delegate the functions enumerated in the Applications Insurance Act to the Director of the Department of Buildings.

(b) The purpose of the Applications Insurance Act is to implement certain elements of a flood protection program for the District to ensure that the District meets the federal requirements for membership in the National Flood Insurance Program (“NFIP”).

(c) Since 1996, the functions enumerated in the Applications Insurance Act have been delegated by the Mayor to the Department of Energy and Environment and its predecessor agencies. The Department of Energy and Environment is currently funded and staffed to administer the Applications Insurance Act.

(d) While the Department of Buildings regulates the construction of buildings through the Construction Codes, which include flood elevation requirements, the Department of Energy and Environment regulates site and building development in floodplains more broadly and specifically in accordance with the regulations and guidance of the Federal Emergency Management Agency (“FEMA”).

(e) The District’s membership in the NFIP provides benefits to the District that include guaranteed annual grants of \$120,000 and more to support floodplain management, access to affordable flood insurance for District residents through the NFIP, and federal disaster relief should a flood occur in the District.

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(f) The Department of Energy and Environment has historically, pursuant to Mayor's Orders, exercised the authority of the Applications Insurance Act to implement regulations relating to flood hazards and safety in the District and has been identified by the Mayor as the District coordination agency for the NFIP, as required by FEMA, through the designation of the Director of the Department of Energy and Environment as the Floodplain Administrator for the District responsible for interacting with FEMA on the development of flood maps and implementation of FEMA guidelines related to flood hazards and safety.

(g) Emergency legislation is necessary to repeal section 6B of the Applications Insurance Act (D.C. Official Code § 6-507), thereby clarifying that the Mayor may continue delegating the functions of the Applications Insurance Act to the Director of the Department of Energy and Environment. This will ensure that the District continues to maintain, and thus obtain the benefits of, its membership in the NFIP.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Floodplain Review Authority Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.