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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- WATERS AND NAVIGATION --
MUNICIPAL RESILIENCY

Introduced By: Representative Lauren H. Carson

Date Introduced: May 19, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. The general assembly hereby finds:

2 (1) Climate change is considered one of the most serious threats to the future, health, well-
3 being, and economic security of the people of Rhode Island.

4 (2) Climate issues are becoming more problematic and municipal resiliency programs are
5 essential to support the development of sustainable and resilient communities and to help make the
6 communities more resilient to climate change and natural hazards.

7 (3) As reported by the United Nations Intergovernmental Panel on Climate Change (IPCC)
8 in March, 2014, the effects of climate change are already occurring on all continents and across the
9 oceans, and numerous opportunities exist to respond to and mitigate associated risks.

10 (4) Rhode Island is already experiencing climate change and the impacts are placing
11 communities, coastlines, forests, and aging, vulnerable infrastructure at risk.

12 (5) It is essential for the safety and well-being of all Rhode Islanders that agencies of this
13 state are prepared to keep both the citizens and the state's four hundred (400) miles of coastline safe
14 from the progression and effects of climate change.

15 (6) It is important that the state and municipalities develop and prioritize actions and clearly
16 delineate steps for the municipalities, local organizations, businesses, private citizens,
17 neighborhoods, and community groups to implement in order to best prepare for climate change.

18 (7) It is important that the state and municipalities develop and prioritize actions and clearly

1 delineate steps for business and residential property owners to implement in order to best prepare
2 for climate change.

3 (8) It is important that the state implement identified actions and apply for available grants
4 and coordinate vulnerability assessments among cities and towns to prepare for the effects of
5 climate change with shovel ready projects designed to strengthen the resiliency of communities and
6 prepare for the effects of climate change.

7 (9) The Rhode Island general assembly has demonstrated a strong commitment to
8 addressing the consequences of climate change by passing the 2021 Act on Climate and in
9 furtherance of the Act on Climate's emission reduction mandates Rhode Island must be prepared
10 and have projects identified that are essential to address climate change challenges now and into
11 the future.

12 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
13 GOVERNMENT" is hereby amended by adding thereto the following chapter:

14 CHAPTER 6.3

15 RHODE ISLAND CLIMATE LEADERSHIP ACADEMY

16 **42-6.3-1. Establishment of the Rhode Island climate leadership academy -- Purpose.**

17 (a) There is hereby established the "Rhode Island climate leadership academy"
18 ("academy") to deliver training programs statewide to educate local municipalities to advance the
19 professional competencies in climate change decision-making. Programming will be coordinated
20 with universities and community colleges throughout the state.

21 (b) The academy shall be staffed and governed by the climate change coordinating council
22 established pursuant to §§ 42-6.2-1 through 42-6.2-8 and shall adhere to the regulations set forth in
23 that chapter.

24 SECTION 3. Chapter 46-12.2 of the General Laws entitled "Rhode Island Infrastructure
25 Bank" is hereby amended by adding thereto the following sections:

26 **46-12.2-28. Priority projects.**

27 (a) On July 1 of each year, every city and town in Rhode Island, shall provide a list to the
28 director of the department of environmental management ("department") and the Rhode Island
29 infrastructure bank (RIIB) which identifies priority projects for improving municipal climate
30 resilience in their respective city or town. The list shall include, but not be limited to, all projects
31 related to dam repair and removal, road elevations, hardening or elevation of pump stations, berms
32 and levies, culvert repair, green stormwater infrastructure, back-up power and energy efficiency,
33 watershed restoration, urban tree planting, and coastal erosion control or any other municipal
34 resiliency project related to climate change.

1 (b) Each year, upon providing the list of priority projects to the department and RIIB, each
2 city and town shall be allocated the sum of twenty thousand dollars (\$20,000) toward the projects
3 approved the department. Funds allocated shall be utilized only on priority projects submitted by
4 the city or town and approved by the department.

5 **46-12.2-29. Action grants fund.**

6 (a) There is hereby authorized and created within the Rhode Island infrastructure bank an
7 action grants fund which shall distribute annually the amount of twenty-five million dollars
8 (\$25,000,000) for the purposes of improving climate resilience. The action grants fund shall be
9 funded by way of annual appropriations from the general fund from monies not otherwise expended
10 for the fiscal year and or any federal funds provided to Rhode Island to address climate change.

11 (b) Funds shall be utilized for programs which are eligible under the Rhode Island
12 infrastructure bank's broad portfolio of programs which include, but are not limited to, dam repair
13 and removal, road elevations, hardening or elevation of pump stations, berms and levies, culvert
14 repair, green stormwater infrastructure, back-up power and energy efficiency, watershed
15 restoration, urban tree planting, and coastal erosion control.

16 (c) The Rhode Island infrastructure bank shall have all the powers necessary and
17 convenient to carry out and effectuate the purposes and provisions of this section including, without
18 limiting the generality of the preceding statement, the authority:

19 (1) To receive and disburse such funds from the state and federal government as may be
20 available for the purpose of the fund subject to the provisions of this section;

21 (2) To make and enter into binding commitments to provide financial assistance to eligible
22 borrowers from amounts on deposit in the fund;

23 (3) To levy administrative fees on eligible borrowers as necessary to effectuate the
24 provisions of this section; provided the fees have been previously authorized by an agreement
25 between the Rhode Island infrastructure bank and the eligible borrower;

26 (4) To engage the services of third-party vendors to provide professional services;

27 (5) To establish one or more accounts within the fund; and

28 (6) Such other authority as granted to the Rhode Island infrastructure bank under this
29 chapter.

30 (d) Subject to the provisions of this section and to any agreements with the holders of any
31 bonds of the Rhode Island infrastructure bank or any trustee therefor, amounts held by the Rhode
32 Island infrastructure bank for the account of the fund shall be applied by the Rhode Island
33 infrastructure bank, either by direct expenditure, disbursement, or transfer to one or more other
34 funds and accounts held by the Rhode Island infrastructure bank or maintained under any trust

1 agreement pertaining to bonds, either alone or with other funds of the Rhode Island infrastructure
2 bank, to the following purposes:

3 (1) To provide financial assistance to local governmental units to finance costs of approved
4 projects, as set forth in subsection (a) of this section, and to refinance the costs of the projects,
5 subject to such terms and conditions, if any, as are determined by the Rhode Island infrastructure
6 bank;

7 (2) To fund reserves for bonds of the Rhode Island infrastructure bank and to purchase
8 insurance and pay the premiums therefor, and pay fees and expenses of letters or lines of credit and
9 costs of reimbursement to the issuers thereof for any payments made thereon or on any insurance,
10 and to otherwise provide security for, and a source of payment for obligations of the Rhode Island
11 infrastructure bank, by pledge, lien, assignment, or otherwise as provided in this chapter;

12 (3) To pay expenses of the Rhode Island infrastructure bank in administering the fund;

13 (4) To provide a reserve for, or to otherwise secure, amounts payable by borrowers on loans
14 and obligations outstanding in the event of default thereof; amounts in any account in the fund may
15 be applied to defaults on loans outstanding to the borrower for which the account was established
16 and, on a parity basis with all other accounts, to defaults on any loans or obligations outstanding;
17 and

18 (5) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or
19 otherwise as provided in this chapter, any bonds of the Rhode Island infrastructure bank.

20 (e) In addition to other remedies of the Rhode Island infrastructure bank under any loan
21 agreement or otherwise provided by law, the Rhode Island infrastructure bank may also recover
22 from a borrower, in an action in superior court, any amount due the Rhode Island infrastructure
23 bank together with any other actual damages the Rhode Island infrastructure bank shall have
24 sustained from the failure or refusal of the borrower to make the payments or abide by the terms of
25 the loan agreement.

26 (f) The Rhode Island infrastructure bank may create one or more loan loss reserve funds to
27 serve as further security for any loans made by the Rhode Island infrastructure bank or any bonds
28 of the Rhode Island infrastructure bank issued to fund the improvements authorized under this
29 section.

30 (g) Any financial assistance provided by the Rhode Island infrastructure bank to a public
31 entity for the purpose of completing these projects shall not be subject to the match by the state of
32 Rhode Island.

33 SECTION 4. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is
34 hereby amended by adding thereto the following chapter:

1 CHAPTER 12.2.1

2 STATE FLOOD AUDIT PROGRAM OF 2021

3 **46-12.2.1-1. Short title.**

4 This act shall be known and may be cited as the "State Flood Audit Program of 2021".

5 **46-12.2.1-2. Purpose.**

6 (a) The legislature finds that climate change is a continuing threat not only to the coastal
7 communities of Rhode Island but to Rhode Island as a whole. The legislature deems it appropriate
8 to establish a flood audit program to assist and educate owners of coastal properties in efforts at not
9 only reducing energy consumption but protecting their properties from rising waters caused by
10 climate change.

11 (b) There is established, within the department of environmental management, hereinafter
12 ("department"), a committee to oversee an audit program to assist homeowners and business owners
13 in coastal communities in protecting their properties and businesses, and to educate them on how
14 to become more resilient to climate change.

15 (c) The committee shall consist of five (5) members as follows:

16 (1) The director of the department, or designee, who shall serve as chair;

17 (2) The director of the office of energy and resources, or designee;

18 (3) The director of the Rhode Island emergency management agency, or designee;

19 (4) A board member of the Rhode Island infrastructure bank; and

20 (5) A board member of the Rhode Island coastal resources management council.

21 (d) The committee shall identify:

22 (1) All coastal communities and more specifically, areas within those communities, that
23 are at risk of flooding; and

24 (2) Non-coastal community neighborhoods that are at risk of flooding due to geographical
25 characteristics.

26 (e) The committee shall establish a flood audit taskforce to implement training programs
27 for residential and business owners to reduce energy consumption and educate property owners on
28 mitigating the risk of flood damage.

29 Under the supervision of the committee, the task force shall:

30 (1) Write a format emergency flood plan that assigns roles and responsibilities in the event
31 of an emergency;

32 (2) Establish an outreach program with those property owners at risk to floods;

33 (3) Establish an inspection team of qualified individuals to inspect residences and
34 businesses in the at risk areas which shall meet with the property owners and:

1 (i) Perform inspections of properties to include current and future property risk
2 assessments, and identify any areas in the building where water can enter and recommend solutions;

3 (ii) Make recommendations on how to mitigate rising waters and potentially prevent
4 flooding of the buildings, including providing a property risk assessment report to the owner;

5 (iii) Make recommendations to the property owners as to how to reduce energy
6 consumption to reduce the growing risk of climate change, including advising them of financial
7 incentives that promote investment in energy-efficient technologies, discounts, rebates, grants,
8 loans and/or tax credits and reductions; and

9 (iv) Establish an online portal where property owners can obtain property specific data.

10 (4) The task force shall also work with the Rhode Island emergency management agency
11 and the Federal Emergency Management Agency to reduce damage post flood and advise property
12 owners on steps to take following flooding of their properties.

13 **46-12.2.1-3. Funding.**

14 (a) The State of Rhode Island shall annually appropriate from funds not otherwise
15 appropriated for the fiscal year the sum of five million dollars (\$5,000,000) to administer the flood
16 audit program, which funds shall be allocated from a twelve dollar (\$12.00) surcharge on every
17 homeowner's and business owner's property insurance policy each year.

18 (b) Every insurance company doing business in Rhode Island and which insures business
19 or residential properties, shall add a surcharge to the insured's bill and upon receipt, shall transmit
20 the funds to the general treasurer who shall place the funds in a restricted account to be used solely
21 for the purposes of this chapter.

22 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- WATERS AND NAVIGATION --
MUNICIPAL RESILIENCY

1 This act would establish a state flood audit program to identify and assist property owners
2 in reducing flood risks, would mandate that the Rhode Island infrastructure bank increase it's
3 funding for action grants to twenty five-million dollars (\$25,000,000), require cities and towns to
4 provide a priority list of projects to increase municipal resiliency and establish a climate leadership
5 academy.

6 This act would take effect upon passage.

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