

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 76

Short Title: Cities/Flood Reduction Techniques. (Public)

Sponsors: Senator Lowe (Primary Sponsor).

Referred to: Rules and Operations of the Senate

February 8, 2023

1 A BILL TO BE ENTITLED
2 AN ACT GRANTING CITIES THE SAME AUTHORITY AS COUNTIES TO UNDERTAKE
3 ACTIVITIES WITHIN THEIR STORMWATER MANAGEMENT PROGRAMS TO
4 IMPLEMENT FLOOD REDUCTION TECHNIQUES THAT RESULT IN
5 IMPROVEMENTS TO PRIVATE PROPERTY.

6 The General Assembly of North Carolina enacts:

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

9 **"§ 160A-311.1. Flood control activities under stormwater management programs.**

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

20 (b) Scope. – For purposes of operating a public enterprise under this Article, a city is
21 authorized to do any of the following activities within its stormwater management program:

22 (1) Purchase property for the purpose of demolishing flood-prone buildings.

23 (2) Implement flood damage reduction techniques that result in improvements to
24 private property in accordance with subsection (c) of this section, to include:

25 a. Elevating structures or their associated components.

26 b. Demolishing flood-prone structures.

27 c. Retrofitting flood-prone structures.

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

32 (1) Private property owner's written consent must be obtained prior to
33 implementation of flood reduction improvements on the owner's property.

34 (2) The city has determined that improving the stormwater system is not
35 practically feasible or cost-effective and the activities in subdivision (2) of
36 subsection (b) of this section provide savings to the stormwater fund.



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- 1 (3) The improvements to private property are the minimum necessary to
2 accomplish the stormwater benefit.
- 3 (4) Funding provided by the city, above a certain amount, to the property owner
4 or expended upon improvements to the property shall be reimbursed to the
5 city if the property is sold within five years of the completion of the flood
6 reduction improvement project. The amount of reimbursement due to the city
7 may be calculated as the difference between the established premitigation fair
8 market value and the sale price of the property, not to exceed the total funding
9 provided by the city.
- 10 (5) The minimum financial contribution the private property owner must make to
11 the project.
- 12 (d) Advisory Committee. – An existing stormwater advisory committee established by
13 the city council and having specific charges, duties, and representation, as set forth by the city
14 council, must review and approve projects that implement flood damage reduction techniques
15 under subdivision (2) of subsection (b) of this section. The committee shall submit an annual
16 report to the city council for its review.
- 17 (e) Application. – This section applies only to cities with a population of 200,000 or
18 greater according to the most recent annual population estimates certified by the State Budget
19 Officer."

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