

Action Plan

Category 6 – Regulations, Legislation, Compliance, and Permitting

Action 6.1 - Update Floodplain Regulations



Overview and Implementation Strategy:

The goal of this action is to update the District’s Flood Hazard Rules (also referred to as floodplain regulations) to account for increased flood risk due to climate change. The Climate Ready DC report indicates that the projected 100-year floodplain in 30-60 years is more similar to today’s 500-year FEMA floodplain because of climate change. The proposed updated Rules reduce long-term risk through measures such as an expansion of regulatory jurisdiction to the 500-year floodplain, a new buffer zone for areas impacted by sea level rise, and a ‘no-adverse-impact’ requirement that new development not increase flood elevations for existing properties. They also increase the District’s Design Flood Elevation to match that specified by the 2017 DC Construction Codes, which is informed by the recently-reinstated Federal Flood Risk Management Standard.

Impacted City Ward/ANC:

- Wards 2, 3, 5, 6, 7, and 8 all contain structures located in the 500-year floodplain, but Wards 6, 7, and 8 contain 96% of the homes in this zone.

Lead Agency:

- DOEE

Supporting Agencies, Roles/Commitments:

- DCRA – Permit review collaboration and Construction Codes administration.
- FEMA – Review and approval of proposed regulations for National Flood Insurance Program (NFIP) compliance.
- Construction Codes Coordinating Board (CCCB) Flood Hazard Technical Advisory Group (TAG) – Review of proposed Construction Code amendments for alignment with proposed updated Flood Hazard Rules.
- DCOP – Discuss whether corresponding changes to Future Land Use Map and Zoning Regulations would be valuable.

Background:

Impact of this Effort on Task Force Goal:

- The regulatory update reduces the risk of water damage from coastal and riverine flooding by requiring more properties to be protected via elevation or floodproofing. It helps maintain the District’s affordable housing stock by reducing the risk that homes will be removed from the market due to flood damage.

Historical Context:

- The Climate Ready DC Report addressed patterns of increasing precipitation and rising sea levels. Today’s one in 100-year precipitation event could become a one in 25-year event by mid-century, and a one in 15-year event by the 2080s. By 2080, the U.S. Army

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Corps of Engineers predicts up to 3.4 feet of additional sea level rise in DC, and more recent NOAA models predict even greater magnitudes of sea level rise.

- Data from the Climate Ready DC report indicates that the expected amount of precipitation over the course of 6 hours during a 100-year storm in the District is expected to increase by 67% by the 2080s.
- According to data from “The 2018 State of High Tide Flooding and 2019 Outlook” by the National Oceanic and Atmospheric Administration (NOAA), there was a record of 22 high tide flood days in the District in 2018. The previous record was ten (10) high tide flood days in a year, and the average number of high tide flood days in 2000 was just three (3) days.
- In May of 2020, the District adopted the 2017 DC Construction Codes (12-A DCMR). These Codes set the District’s Design Flood Elevation at the 500-year flood elevation, or the 100-year flood elevation plus two feet, whichever is higher at a given site.
- The cities of Baltimore, Houston, Austin, and Charlotte have all expanded their regulated floodplains from the 100-year to the 500-year zones.

Equity

How does this action prioritize equity and residents who are most impacted?

- Both regulation and built solutions are important components to reducing flood risk, but the focus of this particular action is to craft regulations that protect residents that live in a floodplain while also ensuring that we minimize the financial impacts on the residents themselves.
- Wards 6, 7, and 8 contain approximately 96% of the homes in the 500-year floodplain, and over 80% of these homes are in Wards 7 and 8. Each of the Census tracts bordering the Watts Branch floodplain in Ward 7 and the Oxon Run floodplain in Ward 8 are ranked as having a high or moderate-to-high level of vulnerability to disasters by the Centers for Disease Control and Prevention (CDC) Social Vulnerability Index (SVI). Because of these areas’ increased vulnerability, it is especially important that flood risks and the costs of recovery are not added to this historically disinvested population. Regulations can ensure that when new buildings are built that the residents who live in them will be safer.
- Race, income, and equity have been the most important considerations (aside from flood risk reduction) in DOEE’s decision-making process, and DOEE can point to a number of provisions in the regulations that we have modified as a result of our equity-focused analysis. These include removing the originally proposed flood insurance requirement and modifying the regulations for single- and two-family homes so that they avoid the need to elevate their home when doing moderate renovations.

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Timeline:

Fiscal Year	Responsible Agency	Action
2022	DOEE	Submit proposed rulemaking to District Register.
	DOEE	Conduct additional outreach to facilitate community engagement during the public comment period.
2023	DOEE	Revise rulemaking based on comments and publish final rulemaking.

Budget:

Total Estimated Cost: None – DOEE expects any costs associated with implementation of this Action will be absorbed by staff time.

Long Term Budget Requirements: None.

Public Outreach and Input:

Public outreach & engagement approach/actions:

DOEE has engaged stakeholders in our plans to update the Flood Hazard Rules since March of 2020. Key meetings are listed below. Meeting recordings and presentations from those meetings can be found here: <https://doee.dc.gov/publication/title-20-chapter-31-flood-hazard-rules>

- Introductory Presentations
 - 03/10/2020 – DC Building Industry Association
 - 03/24/2020 – Environmental Stakeholders
- Technical Workshops for Built Environment Professionals
 - 04/20/2021 (Overview)
 - 04/29/2021 (Mapping)
 - 05/20/2021 (Vesting and Transition)
 - 06/10/2021 (Commercial, Mixed-Use, and Multifamily Development)
- Public Meetings
 - 07/29/2021 (Residential Property Focus)
 - 08/03/2021 (Residential Property Focus)
 - 08/19/2021 (Commercial Property Focus)

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What were the Public Comments of relevance to this Action?

Comments from Proposed Updated Flood Hazard Rules Workshops

- Theme 1 (Cost of Retrofits) – Multiple stakeholders expressed concern regarding the potential cost of retrofits to bring substantially damaged or substantially improved homes into compliance. This feedback informed our FloodSmart Homes program and \$200,000 exception provision for existing single-family homes in the 500-year floodplain.
- Theme 2 (Risk Reduction) – Multiple stakeholders expressed support for risk reduction and climate adaptation provisions such as the standard that would prohibit any new development from increasing the design flood elevation at an existing property.

Public Comments on this Action Plan from July/Aug 2022

- From the DC Commission on Climate Change and Resilience: The Commission supports the Flood Task Force’s proposal to extend risk-reducing regulations to the 500-year floodplain. The Commission encourages the Flood Task Force to identify current and future risk areas in the flood hazard areas, as FEMA’s 100- and 500-year floodplains do not account for pluvial flooding, projected sea-level rise, or other risk factors such as groundwater, underground streams and springs. The Commission encourages the Flood Task Force to account for more comprehensive flood risks in the proposed flood hazard rule updates (such as interior flooding and projected weather changes) and directly correlate these risk factors with both existing conditions and the Future Land Use Map codified in the recently updated DC Comprehensive Plan.
- From the Sierra Club: With regard to Regulations, Legislation, Compliance, and Permitting; Action 6.1 - Update Floodplain Regulations; this is a well-reasoned and methodical approach to updating floodplain regulations and management. Sierra Club highlights the attention to race, income, and equity considerations in shaping flood risk reduction objectives. The severity and cost to respond to flood disaster can fall disproportionately on low-income citizens, so building capacity for these communities to be resilient should be a priority for the District government.