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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2129 Session of  
2015

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INTRODUCED BY PETRI, FARRY, DUNBAR, MILLARD, QUINN, THOMAS,  
WATSON AND SANTARSIERO, JUNE 22, 2016

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 22, 2016

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AN ACT

1 Amending the act of October 4, 1978 (P.L.851, No.166), entitled  
2 "An act providing for the regulation of land and water use  
3 for flood control purposes, imposing duties and conferring  
4 powers on the Department of Community Affairs, the Department  
5 of Environmental Resources, and municipalities, providing for  
6 penalties and enforcement and making appropriations," in  
7 preliminary provisions, further providing for definitions;  
8 and providing for the Community Rating System Incentive  
9 Program.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 104 of the act of October 4, 1978  
13 (P.L.851, No.166), known as the Flood Plain Management Act, is  
14 amended by adding definitions to read:

15 Section 104. Definitions.

16 The following words and phrases when used in this act shall  
17 have, unless the context clearly indicates otherwise, the  
18 meanings given to them in this section:

19 \* \* \*

20 "Federal program." The Federal Emergency Management Agency's  
21 Community Rating System Incentive Program.

1 \* \* \*

2 "Political subdivision." A county, city, borough or  
3 incorporated town or township.

4 \* \* \*

5 "Regional entity." A multijurisdictional entity that was  
6 created:

7 (1) to represent two or more political subdivisions; or

8 (2) under an intergovernmental cooperation agreement.

9 \* \* \*

10 "State program." The Community Rating System Incentive  
11 Program established under Chapter 4A.

12 \* \* \*

13 Section 2. The act is amended by adding a chapter to read:

14 CHAPTER 4A

15 COMMUNITY RATING SYSTEM INCENTIVE PROGRAM

16 Section 4A01. Establishment of State program.

17 The State program is established within the department to  
18 provide grants to political subdivisions or regional entities  
19 for assistance with floodplain management activities that are  
20 required for participation in the Federal program by the  
21 political subdivision to:

22 (1) earn points under the Federal program and for the  
23 activities that result in the political subdivision entering  
24 the Federal program; or

25 (2) result in the improvement of the political  
26 subdivision's current rating under the Federal program.

27 Section 4A02. Grant eligibility.

28 (a) A political subdivision may apply for State program  
29 funds individually or through an appropriately designated  
30 regional entity.

1 (b) To be eligible for a grant, a political subdivision  
2 must:

3 (1) Participate in the National Flood Insurance Program  
4 and be in good standing.

5 (2) Have a current hazard mitigation plan in effect that  
6 is approved by the Federal Emergency Management Agency.

7 (3) Certify that the political subdivision intends to  
8 participate in the Federal program, subject to the results of  
9 the baseline assessment of the political subdivision's  
10 Federal program-approved credit activities.

11 (4) Develop and implement activities to ensure that the  
12 political subdivision's floodplain management program exceeds  
13 the minimum requirements of the National Flood Insurance  
14 Program.

15 (5) Designate the following duties to the municipal  
16 floodplain administrator:

17 (i) Administer a flood zone permit application for  
18 regulating all development in special flood hazard areas,  
19 as defined by the municipal floodplain management  
20 ordinance.

21 (ii) Provide the political subdivision's flood  
22 insurance rate maps or Internet website links on the  
23 political subdivision's publicly accessible Internet  
24 website, if applicable.

25 Section 4A03. Administration of State program.

26 (a) The department shall annually verify the total number of  
27 political subdivisions which applied, individually or as part of  
28 a regional entity, and which are eligible to participate in the  
29 State program.

30 (b) The State National Flood Insurance Program coordinator

1 in the department shall administer the State program and provide  
2 coordinated assistance to political subdivisions seeking  
3 assistance in participating in the State program and the Federal  
4 program.

5 (c) Prior to the announcement of the availability of the  
6 State program funds, department officials shall develop and  
7 distribute specific guidelines for the grant application,  
8 evaluation, prioritization, award and monitoring of the State  
9 program.

10 Section 4A04. Appropriation and use of funds.

11 (a) The sum of \$5,000,000 is appropriated for the State  
12 program.

13 (b) The following apply to the use of the funds:

14 (1) The department may not use more than 10% of the  
15 funds under subsection (a) for the administration of the  
16 programs. Administration costs shall include providing  
17 technical assistance and training to political subdivisions.

18 (2) The funds may be used to assist political  
19 subdivisions in activities that exceed the minimum required  
20 under the National Flood Insurance Program, result in the  
21 political subdivision entering the Federal program or improve  
22 the political subdivision's rating in the Federal program.

23 The activities include:

24 (i) Assessing the baseline status of an existing  
25 floodplain management program and other operations to  
26 evaluate the political subdivision's capability of  
27 successfully entering and remaining in the Federal  
28 program.

29 (ii) Activities that meet the Federal Emergency  
30 Management Agency's Region-III-specific requirements for

1 entering the Federal program.

2 (iii) Activities that, under the National Flood  
3 Insurance Program Coordinator's Manual:

4 (A) would earn Federal program points;

5 (B) are required elements of participation in  
6 the Federal program; or

7 (C) result in the increase in the rating of a  
8 political subdivision.

9 (3) A grant issued under the State program may not be  
10 more than 20% of the available program funds.

11 (4) Program funds may not be used for regular  
12 administration or enforcement of the political subdivision's  
13 existing floodplain management ordinance.

14 Section 4A05. Application for Federal program.

15 A political subdivision which does not currently participate  
16 in the Federal program when the application for the State  
17 program is submitted and approved must submit a completed  
18 application for the Federal program within six months of the  
19 completion of the activity for which the political subdivision  
20 received funds or the political subdivision must reimburse the  
21 department for the full amount of the grant.

22 Section 3. This act shall take effect in 60 days.