



**MURIEL BOWSER**  
**MAYOR**

June 29, 2023

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council of the District of Columbia are the "Floodplain Review Authority Amendment Act of 2023," the "Floodplain Review Authority Temporary Amendment Act of 2023," and the "Floodplain Review Authority Emergency Amendment Act of 2023," along with an accompanying emergency declaration resolution.

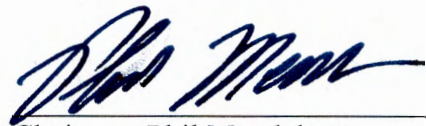
The legislation would repeal section 6B of the District of Columbia Applications Insurance Implementation Act, effective April 5, 2021 (D.C. Law 23-269; D.C. Official Code § 6-507), to allow the Mayor to continue to delegate the functions of that act to the Director of the Department of Energy and Environment ("DOEE"). DOEE has historically exercised the authority of the Applications Insurance Act to implement regulations relating to flood hazards and safety in the District, and DOEE has been identified by the Mayor as the District coordination agency for the National Flood Insurance Program ("NFIP"), as required by the Federal Emergency Management Agency. Repeal of section 6B will ensure that the District continues to maintain, and thus obtain the benefits of, its membership in the NFIP.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over a faint, larger version of the same signature.

Muriel Bowser



Chairman Phil Mendelson  
at the request of the Mayor

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6 A BILL  
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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14 To amend, on an emergency basis, the District of Columbia Applications Insurance  
15 Implementation Act to repeal the direction to the Mayor that the functions of the act be  
16 delegated to the Director of the Department of Buildings.  
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18 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
19 act may be cited as the “Floodplain Review Authority Emergency Amendment Act of 2023”.

20 Sec. 2. Section 6B of the District of Columbia Applications Insurance Implementation  
21 Act, effective April 5, 2021 (D.C. Law 23-269; D.C. Official Code § 6-507), is repealed.

22 Sec. 3. Fiscal impact statement.

23 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal  
24 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
25 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

26 Sec. 4. Effective date.

27 This act shall take effect following approval by the Mayor (or in the event of veto by the  
28 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
29 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
30 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
31 D.C. Official Code § 1-204.12(a)).

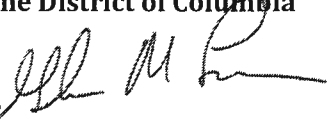
Government of the District of Columbia  
Office of the Chief Financial Officer



**Glen Lee**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** June 23, 2023

**SUBJECT:** Fiscal Impact Statement - Floodplain Review Authority Emergency  
Amendment Act of 2023

**REFERENCE:** Draft Bill as provided to the Office of Revenue Analysis on June 20,  
2023

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**Conclusion**

Funds are sufficient in the fiscal year 2023 budget and the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

**Background**

The Department of Energy and Environment (DOEE) reviews all District building permits, subdivision proposals, and wastewater systems to ensure that buildings sites are safe from flooding, appropriate flood resistant materials are used, and that construction methods minimize flood damage. Additionally, if a building is located in a flood hazard area, the District can require that the building obtain flood insurance as a condition of occupancy.

In 2021, the review of building permits, development proposals, wastewater systems, and all related requirements related to flood zone areas were delegated to the Department of Buildings (DOB) as part of the DOB Establishment Act of 2020.<sup>1</sup> The bill repeals this delegation of authority.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2023 budget and the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. DOEE has maintained the authority over these

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<sup>1</sup> Effective April 5, 2021 (D.C. Law 23-269; D.C. Official Code § 6-507).

The Honorable Phil Mendelson

FIS: "Floodplain Review Authority Emergency Amendment Act of 2023," Draft Bill as provided to the Office of Revenue Analysis on June 20, 2023

functions under a 2006 Mayor's Order.<sup>2</sup> There are no costs associated with repealing the current delegation of authority to DOB and continuing the authority at DOEE.

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<sup>2</sup> Mayor's Order 2006-61, issued June 14, 2006, section (III)(9).

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL

BRIAN L. SCHWALB  
ATTORNEY GENERAL



PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

LEGAL COUNSEL DIVISION

MEMORANDUM

**TO:** Dan Emerine  
Legislative Director  
Department of Energy and Environment

**FROM:** Megan D. Browder *MDB*  
Deputy Attorney General  
Legal Counsel Division

**DATE:** June 27, 2023

**SUBJECT:** Legal Sufficiency Review – Draft “Floodplain Review Authority Emergency Amendment Act of 2023,” “Floodplain Review Authority Temporary Amendment Act of 2023,” “Floodplain Review Authority Emergency Declaration Resolution of 2023,” and “Floodplain Review Authority Amendment Act of 2023” (AE-23-423 B)

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This legislation would repeal a recent addition to the District of Columbia Applications Insurance Implementation Act (“Insurance Act”).<sup>1</sup> That act requires the review of building permit applications, subdivision proposals, sewage systems, and more for potential flood hazards.<sup>2</sup> The Mayor has delegated administration of the Insurance Act to your Department,<sup>3</sup> but the Council recently directed the Mayor to move that delegation to the new Department of Buildings.<sup>4</sup> This legislation would repeal that direction. It is legally sufficient.<sup>5</sup>

If you have any questions regarding this memorandum, please contact Joshua Turner, Assistant Attorney General, Legal Counsel Division, at (202) 442-9834, or me at (202) 724-5524.

MDB/jat

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<sup>1</sup> Effective May 26, 1976 (D.C. Law 1-64; D.C. Official Code § 6-501 *et seq.*).

<sup>2</sup> See D.C. Official Code §§ 6-501—6-504.

<sup>3</sup> See, e.g., Mayor’s Order 2007-61, dated June 14, 2006.

<sup>4</sup> Department of Buildings Establishment Act of 2020, § 501(b), effective Apr. 5, 2021 (D.C. Law 23-269; 68 DCR 4174).

<sup>5</sup> The repeal of this direction would also make it unnecessary for us to resolve whether that direction impermissibly abridged the Mayor’s delegation authority under the Charter. See D.C. Official Code § 1-204.22(6) (authorizing the Mayor to delegate her functions to “any director of an executive department”).

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL

BRIAN L. SCHWALB  
ATTORNEY GENERAL



PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

LEGAL COUNSEL DIVISION

MEMORANDUM

**TO:** Tommy Wells  
Director  
Office of Policy and Legislative Affairs

**FROM:** Megan D. Browder  
Deputy Attorney General  
Legal Counsel Division

**DATE:** June 27, 2023

**SUBJECT:** Legal Sufficiency Review – Draft “Floodplain Review Authority Emergency Amendment Act of 2023,” “Floodplain Review Authority Temporary Amendment Act of 2023,” “Floodplain Review Authority Emergency Declaration Resolution of 2023,” and “Floodplain Review Authority Amendment Act of 2023” (AE-23-423 B)

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**This is to Certify that** this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at (202) 724-5524.

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Megan D. Browder