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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO WATERS AND NAVIGATION -- RHODE ISLAND PROPERTY
RESILIENCE ACT

Introduced By: Representative Lauren H. Carson

Date Introduced: April 25, 2025

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. [Legislative intent.](#)

2 (1) The general assembly recognizes that the state is particularly vulnerable to adverse
3 impacts from flooding resulting from increases in frequency and duration of rainfall events, storm
4 surge from more frequent and severe weather systems, and sea level rise. Such adverse impacts
5 pose economic, social, environmental, and public health and safety challenges to the state. To most
6 effectively address these challenges the state must prioritize addressing the most significant risks
7 to homes and businesses and in doing so helps to provide stability to the municipal tax base.

8 (2) The general assembly further recognizes that the adverse impacts of flooding and sea
9 level rise affect coastal and inland communities across the state. Consequently, a coordinated
10 approach is necessary to maximize the benefit of efforts to address such impacts and to improve
11 the state's resilience to flooding and sea level rise.

12 (3) The general assembly further recognizes that to effectively and efficiently address and
13 prepare for the adverse impacts of flooding and sea level rise in the state, it is necessary to conduct
14 property assessments in areas affected by flooding and sea level rise and develop a statewide
15 coordinated approach to addressing such risks.

16 (4) The general assembly in order to address these risks posed by flooding can initiate the
17 process through a state administered flood audit program supported by private sector expertise to
18 adapt to any risk and minimize increased insurance rates and property loss by providing property

1 owners of homes and businesses with actionable recommendations for reducing flood risks to
2 protect homes and commercial properties and achieve affordable and effective solutions to guide
3 building practices, retrofits, and mitigation programs for residential and commercial properties.

4 [Legislative findings.](#)

5 (a) The general assembly hereby finds that:

6 (1) It is declared to be a public benefit to encourage the rehabilitation and renovation of
7 commercial and residential buildings in a municipality and increase their resilience to storm surges,
8 sea level rise, extreme weather events, and precipitation;

9 (2) Flooding and storm-related erosion is causing problems for landowners on our open
10 ocean coastline and rivers;

11 (3) Rhode Island has a strong coastal resources management program that has historically
12 been very protective of natural shorelines;

13 (4) The special study commission created by resolution No. 392 passed by the house of
14 representatives at its January session A.D. 2015, and approved June 17 2015, entitled "House
15 Resolution Creating the Rhode Island House Commission on Economic Risk Due to Flooding and
16 Sea Rise" has determined:

17 (i) One of the best ways to prevent property damage due to sea level rise and flooding is to
18 fortify vulnerable assets, limit interruptions, protect property evaluations, and limit lost property
19 tax revenue;

20 (ii) The state needs to develop an approach and develop a philosophy of resilience;

21 (iii) Policymakers need to protect home and business owners by incentivizing resilience
22 thereby insuring our assets.

23 SECTION 2. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is
24 hereby amended by adding thereto the following chapter:

25 [CHAPTER 23.5](#)

26 [RHODE ISLAND PROPERTY RESILIENCE ACT](#)

27 **46-23.5-1. Definitions.**

28 [As used in this chapter, the term:](#)

29 (1) ["Demolition" means to destroy or raze a building in cases in which a building is so](#)
30 [severely damaged that it cannot be elevated, floodproofed, or relocated, or the building is in such](#)
31 [poor condition and not worth the additional investment required to elevate, floodproof, or relocate.](#)

32 (2) ["Dry floodproofing of residential structures" means a structure is made watertight](#)
33 [below the level that needs flood protection to prevent floodwaters from entering. Making the](#)
34 [structure watertight requires sealing the walls with waterproof coatings, impermeable membranes,](#)

1 or supplemental layer of masonry or concrete.

2 (3) "Flood audit" means a comprehensive assessment of a property to identify flood risks
3 and recommend mitigation measures.

4 (4) "Flood audit programs" means programs for residential and commercial property
5 owners that are initiatives designed to help homeowners and businesses assess their flood risk and
6 identify mitigation strategies to protect properties from flooding.

7 (5) "Levee" and "floodwall" mean a long, narrow embankment usually built to protect land
8 from flooding. If built of concrete or masonry, the structure is usually referred to as a floodwall.
9 Levees and floodwalls confine streamflow within a specified area to prevent flooding.

10 (6) "Public-private partnership (PPP)" means a cooperative agreement between public
11 agencies and private entities to execute the program.

12 (7) "Relocation" means moving an entire building to another location on the same lot or to
13 another lot, usually outside the floodplain. Relocation is a mitigation measure that can offer the
14 greatest protection from future flooding.

15 (8) "Resilience", as defined by FEMA and the Hazard Mitigation Unified Guidance, means
16 and refers to the ability of individuals, communities, and systems to prepare for, respond to, recover
17 from, and adapt to adverse events, including natural disasters, hazards, or climate-related impacts.
18 The goal of resilience is to reduce the vulnerability to future disasters and ensure that communities
19 can continue to function during and after a hazard event. Key aspects of resilience include:

20 (i) Mitigation: Implementing proactive measures to reduce or eliminate the risks posed by
21 hazards, such as strengthening infrastructure or adopting land-use planning that minimizes flood
22 risks.

23 (ii) Adaptation: The capacity to make adjustment to systems or practices in response to
24 changing environmental conditions or experiences with past events.

25 (iii) Recovery: The ability to return to normal or even improve systems after an event
26 ensuring that communities can recover effectively from disasters.

27 (9) "Structural elevation" means various techniques used to raise the existing building to
28 or above the base flood elevation (BFE). Elevation is a common technique for protecting an existing
29 building in the special flood hazard area (SFHA).

30 (10) "Wet floodproofing" means a design method that allows water to move in the enclosed
31 parts of a home's lower area, such as the crawlspace or an unoccupied area and then out when water
32 recedes.

33 **46-23.5-2. Rhode Island flood mitigation council.**

34 (a) There is hereby established within the executive branch of state government a Rhode

1 Island flood mitigation council (the "council") comprised of officials from state agencies and
2 private industry with responsibility and oversight relating to assessing, integrating, and
3 coordinating a flood audit program. The council shall include, the following members: The Rhode
4 Island chief resilience officer (CRO); the director of the Rhode Island emergency management
5 agency or designee; the executive director of the Rhode Island coastal resources management
6 council or designee; a member of the Rhode Island flood mitigation association appointed by the
7 governor; a member of the Rhode Island builders association appointed by the governor; a member
8 of the act on coasts advisory council appointed by the governor; a municipal planner appointed by
9 the governor; and a member of the insurance industry appointed by the governor.

10 (b) The council shall be provided staff and support from the Rhode Island emergency
11 management agency and the Rhode Island coastal resources management council which support
12 shall include office space, supplies and support staff.

13 **46-23.5-3. Mission and duties of the council.**

14 (a) Mission of the council. Effective January 1, 2028 the council shall assemble to address
15 the following:

16 (1) Flood audit fund assessment and management;

17 (2) Flood task force. It shall be staffed by the Rhode Island emergency management agency
18 with members best suited to carry out the purposes of this chapter and to implement whatever
19 measures are recommended by such auditor utilizing the report.

20 (3) Conduct a review of RFP's submitted for the flood audit program and select an auditor
21 to implement the flood audit program.

22 (b) Duties of the council. Effective January 1, 2028 the council shall assemble for the
23 following duties:

24 (1) To administer the flood audit program using qualified auditors selected in accordance
25 with this chapter.

26 (2) To provide structure to the audit program in order to meet the requirements of this
27 chapter;

28 (3) To provide and manage any funding sources for the flood audit program;

29 (4) To establish staff qualifications;

30 (5) To create outreach programs to provide information to the public on the availability
31 and parameters of the program;

32 (6) To resolve any legal issues associated with the flood audit program; and

33 (7) To provide benchmarks and goals in order to measure the effectiveness of the flood
34 audit program.

1 (8) To coordinate with the auditor chosen by the council and establish a pricing formula
2 for flood audits of properties subject to this chapter.

3 **46-23.5-4. Resilient Rhode Island flood audit program.**

4 (a) Effective January 1, 2028, any home or business property owner may apply for funds
5 under this chapter to fund the cost of home or business resilience planning for threats from flooding
6 and sea level rise. This shall be done through a public/private partnership funded by property
7 owners and the fund.

8 (b) Programs and flood audit reports pursuant to this chapter shall include the following
9 factors as they relate to the property:

10 (1) Exterior property assessments.

11 (i) Topography and location assessment; to include an assessment of the following factors
12 as they relate to the property:

13 (A) Proximity to floodplains, rivers, or other water bodies (see FEMA flood maps);

14 (B) Elevation of the property relative to surrounding areas; and

15 (C) Grading of the property to determine if water drains away from the structure.

16 (ii) Drainage systems; to include an assessment of the following factors as they relate to
17 the property:

18 (A) Condition and placement of gutters, downspouts, and splash blocks; and

19 (B) Presence and maintenance of drainage ditches, culverts, or storm drains.

20 (iii) Flood barriers and protection measures; to include an assessment of the following
21 factors as they relate to the property:

22 (A) Presence and condition of flood walls, levees, or sandbag setups; and

23 (B) Any existing floodproofing features (e.g., watertight doors or windows).

24 (iv) Building elevation options; to include an assessment of the following:

25 (A) Height of the lowest floor above the base flood elevation (BFE); and

26 (B) Location and elevation of HVAC systems, electrical panels, and other utilities.

27 (v) Risk assessment; to assess the following risks relative to the property:

28 (A) Evaluate flood risk based on property location, elevation, and proximity to floodplains
29 or waterways; and

30 (B) Utilize flood maps and data from agencies including, but not limited to, FEMA or local
31 authorities to assess risk.

32 (vi) Property inspection; in order to:

33 (A) Identify vulnerabilities in building structures, such as foundation issues, improper
34 drainage, or low-lying entry points; and

- 1 (B) Examine HVAC systems, electrical panels, and other components for flood risk.
- 2 (vii) Mitigation recommendations for the property.
- 3 (A) Suggest retrofitting measures like installing flood vents, elevating appliances, or using
- 4 flood-resistant materials; and
- 5 (B) Provide guidance on landscaping changes, such as adding swales or rain gardens to
- 6 redirect water.
- 7 (viii) Flood insurance guidance. Provide guidance to property owners to help them
- 8 understand their flood insurance options and potential cost reductions through mitigation.
- 9 (ix) Grants and incentives. Inform property owners about available grants, tax credits, or
- 10 rebates for floodproofing measures.
- 11 (2) Interior assessment; the following interior assessments shall be conducted:
- 12 (i) Inspect all basement and crawl spaces: Look for moisture, mold, or water satins;
- 13 (ii) Ensure sump pumps are functioning and inspect for proper waterproofing;
- 14 (iii) Inspect windows and doors: Examine the seals around windows and doors, ensuring
- 15 they are intact and can prevent water infiltration during storms; and
- 16 (iv) Evaluate flooring and finishes: Inspect for signs of past water damage, such as warped
- 17 floors or peeling paint, which could indicate flooding history.
- 18 (3) Flood risk mapping shall be conducted as follows:
- 19 (i) Consult storm tools used by Rhode Island coastal resources management council and
- 20 FEMA maps to determine if the home is in a designated floodplain or flood zone and assess the
- 21 likelihood of flooding based on historical data; and
- 22 (ii) Consider proximity to water sources: examine at the property's location relative to
- 23 rivers, streams, lakes, or coastal areas. Evaluate whether local infrastructure could pose a risk of
- 24 overflow.
- 25 (4) Flood preparedness and mitigation assessment.
- 26 (i) Assess flood barriers: examine whether flood barriers, such as sandbags, flood gates, or
- 27 barriers, are in place or could be added for future prevention; and
- 28 (ii) Identify necessary repairs: Make recommendations for contractors to complete repairs
- 29 or upgrades to the property or business to reduce flood risks, such as sealing cracks, installing a
- 30 sump pump, or water proofing the basement.
- 31 (5) Review local regulations and insurance as follows:
- 32 (i) Evaluate flood insurance: Ensure the property is covered by flood insurance, especially
- 33 if it is in a high-risk area; and
- 34 (ii) Review of local ordinances: Review local floodplain management regulations to

1 identify any obligations or restriction on flood mitigation measures.

2 (c) Flood auditors shall conduct the assessments pursuant to subsection (b) of this section
3 using a structure which shall include at a minimum:

4 (1) A web-based assessment;

5 (2) On-site assessment; and

6 (3) A final site specific risk assessment at which time an assessment report with mitigation
7 recommendations would be provided to the property owner.

8 (d) At the conclusion of the flood audit, the property owner should have a clear
9 understanding of the flood risks, mitigation strategies, and any improvements needed to reduce the
10 impact of flooding.

11 (e) The property owner is under no obligation to implement any of the flood audit
12 recommendations provided pursuant to this chapter.

13 **46-23.5-5. Funding.**

14 (a) Effective January 1, 2026, funding for the property resilience act shall be generated by
15 way of an annual flood audit surcharge of twenty-five dollars (\$25.00) which shall be added to
16 every property insurance policy issued in Rhode Island that provides coverage to a home or
17 business. The twenty-five dollar (\$25.00) surcharge shall be collected by the insurance company
18 and forwarded to the council within thirty (30) days of the insurance policy's issuance or renewal.

19 (b) There is hereby created a restricted receipt account managed by the council to be
20 designated the "Flood audit mitigation fund". The fund shall be a continuing fund, not subject to
21 fiscal year limitations, and shall consist of any monies deposited to the fund. All monies accruing
22 to the credit of the fund are hereby appropriated and may be budgeted and expended by the council
23 for the purpose of assisting the property resilience act program in performing all acts that relate to
24 the function and purpose of this chapter. The Rhode Island property resilience act fund account
25 shall not be subject to any cost recovery or other assessment from the state.

26 (b) Monies collected pursuant to this chapter shall be deposited in the Rhode Island
27 property resilience act fund. Monies shall not lapse, unless otherwise specified under federal
28 funding or federal grant, or a grant or funds from another source, or be transferred to any other state
29 funds and shall not be redistributed.

30 **46-23.5-6. Program eligibility.**

31 (a) The program shall be open to owners of single-family and multi-family residences and
32 businesses located within Rhode Island.

33 (b) Eligible property owners may apply through an online portal maintained by the auditor
34 or by submitting a written application to the auditor.

1 (c) Priority consideration shall be given to properties in high-risk flood zones and
2 households with low-to-moderate income levels utilizing storm tools and FEMA maps.

3 (d) Applications for funds for property owners, pursuant to this chapter shall be accepted
4 on a first-come first-serve basis and are subject to the determination of need by the auditor based
5 on risk factors determined by this chapter.

6 (e) The council is authorized to promulgate rules and regulations necessary to effectuate
7 the purposes of this chapter which shall include but not be limited to an application form and/or
8 online application process which shall include an online portal for initial applications for the flood
9 audit program.

10 **46-23.5-7. Procurement of auditors.**

11 (a) To be eligible to work on a project funded by this chapter as an auditor, the auditor shall
12 meet all program requirements including, but not limited to, those listed in this subsection, and
13 maintain a current copy of all applicable certificates, licenses, and proof of insurance coverages
14 with the program office;

15 (1) The auditor shall agree to follow the Rhode Island property resilience act's procedures
16 and rules as prescribed by the council;

17 (2) The auditor shall not have a financial interest in any project funded by this chapter for
18 which they perform work other than receiving payment on behalf of the property owner from the
19 flood audit and shall report to the council any potential conflicts of interest before the audit
20 commences.

21 **46-23.5-8. Program outreach.**

22 The council shall ensure information regarding the Rhode Island property resilience act is
23 provided to the public and is designed to target the audiences within the most vulnerable areas as
24 determined by storm tools and FEMA maps and such outreach shall include notification to be
25 provided by insurance companies, real estate agents, professional construction societies, financial
26 institutions, cities and towns and whatever other method as determined by the council.

27 **46-23.5-9. Reporting and oversight.**

28 (a) The council shall submit an annual report to the general assembly, the director of the
29 department of business regulation (DBR) and the coastal resources management council (CRMC)
30 detailing the program's implementation, participation rate, and effectiveness in identifying flood
31 risks.

32 (b) Effectiveness of the program shall be measured based on the following:

33 (1) The number of flood audits performed;

34 (2) The percentage of property owners that implemented flood audit recommendations to

1 mitigate risk;

2 (3) The number of building permits requesting alteration or elevation of the property as a
3 result of the audit; and

4 (4) Usage metrics associated with the online portal.

5 **46-23.5-10. Severability.**

6 If any provision of this section or the application thereof to any person or circumstances is
7 held invalid, that invalidity shall not affect other provisions or applications of the section, which
8 can be given effect without the invalid provision or application, and to this end the provisions of
9 this section are declared to be severable.

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO WATERS AND NAVIGATION -- RHODE ISLAND PROPERTY
RESILIENCE ACT

- 1 This act would create the resilient Rhode Island property resilience act.
- 2 This act would take effect upon passage.

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