



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4207

Introduced 11/1/2023, by Rep. Sharon Chung

#### SYNOPSIS AS INTRODUCED:

615 ILCS 5/40 new

Amends the Rivers, Lakes, and Streams Act. Provides that all State agencies engaged in any development within a special flood hazard area shall comply with all requirements of applicable federal and State law. Requires additional specified requirements to apply to State agencies engaged in any development within a special flood hazard area. Provides the Department of Natural Resources shall adopt an administrative rule setting forth a program to ensure certain requirements via the issuance of permits prior to any State agency development within a special flood hazard area. Provides that grants or loans administered by State agencies for financing development within special flood hazard area shall inform participants in their programs of the existence and location of special flood hazard areas and of any State or local floodplain requirements that are in effect in such areas. Requires State agencies that are responsible for regulating or permitting development within special flood hazard areas to inform participants in their programs of the existence and location of special flood hazard areas and of any State or local floodplain requirements that are in effect in such areas. Requires State agencies that are engaged in planning programs or programs for the promotion of development to inform participants in their programs of the existence and location of special flood hazard areas and of any State or local floodplain requirements that are in effect in such areas. Requires the Department to provide available flood hazard information to assist State agencies in complying with the established requirements.

LRB103 35030 MXP 64960 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Rivers, Lakes, and Streams Act is amended  
5 by adding Section 40 as follows:

6 (615 ILCS 5/40 new)

7 Sec. 40. National Flood Insurance Program requirements.

8 (a) As used in this Section:

9 "Critical facility" means any facility which is critical  
10 to the health and welfare of the population and, if flooded,  
11 would create an added dimension to the disaster. Damage to  
12 these critical facilities can impact the delivery of vital  
13 services, can cause greater damage to other sectors of the  
14 community, or can put special populations at risk. The  
15 determination of "critical facility" shall be made by each  
16 agency.

17 "Department" means the Illinois Department of Natural  
18 Resources.

19 "Development" or "developed" means the placement or  
20 erection of structures, buildings, or earthworks, land  
21 filling, excavation, or other alteration of the ground  
22 surface, installation of public utilities, channel  
23 modification, or storage of materials or any other activity

1 undertaken to modify the existing physical features of a  
2 floodplain.

3 "Flood protection elevation" means an elevation one foot  
4 above the applicable base flood elevation.

5 "Special flood hazard area" or "floodplain" means an area  
6 subject to inundation by the base flood. The floodplains are  
7 generally shown on the most current effective Flood Insurance  
8 Rate Map published by the Federal Emergency Management Agency.

9 "State agencies" means any department, commission, board,  
10 or agency under the jurisdiction of the Governor, any board,  
11 commission, agency, or authority which has a majority of its  
12 members appointed by the Governor, and the Governor's Office.

13 (b) All State agencies engaged in any development within a  
14 special flood hazard area shall comply with all requirements  
15 of applicable federal and State law.

16 (c) In addition to the requirements set forth in  
17 subsection (b), the following additional requirements shall  
18 apply to State agencies engaged in any development within a  
19 special flood hazard area where applicable:

20 (1) All new critical facilities shall be located  
21 outside of the special flood hazard area. If this is not  
22 practical, as determined by the Department, critical  
23 facilities shall be developed with the lowest floor  
24 elevation equal to or greater than the 0.2% annual chance  
25 flood elevation or 3 feet above the base flood elevation,  
26 whichever is greater. If a critical facility cannot be

1 practicably developed with the lowest floor elevation  
2 equal to or greater than the 0.2% annual chance flood  
3 elevation or 3 feet above the base flood elevation, as  
4 determined by the Department, and is non-residential, the  
5 critical facility shall be structurally dry floodproofed  
6 to an elevation equal to or greater than the 0.2% annual  
7 chance flood elevation or 3 feet above the base flood  
8 elevation, whichever is greater.

9 (2) All new buildings shall be developed with the  
10 lowest floor elevation equal to or greater than the flood  
11 protection elevation. If a building cannot be practicably  
12 developed with the lowest floor elevation equal to or  
13 greater than the flood protection elevation, as determined  
14 by the Department, and is non-residential, the building  
15 shall be structurally dry floodproofed to an elevation  
16 equal to or greater than the flood protection elevation.

17 (3) Modifications, additions, repairs, or replacement  
18 of existing structures may be allowed so long as the new  
19 development does not obstruct flood flows or increase the  
20 market value of the structure by 50%. Floodproofing  
21 activities are permitted and encouraged but must comply  
22 with the requirements noted above.

23 (4) State agencies that obtain new flood elevation,  
24 floodway, or encroachment data developed in conjunction  
25 with development or other activities covered by this  
26 Section shall submit the data to the Department for its

1 review. If the flood hazard information is used in  
2 determining design features or location of any State  
3 development, it must first be approved by the Department.

4 (d) The Department shall adopt an administrative rule  
5 setting forth a program to ensure the following via the  
6 issuance of permits prior to any State agency development  
7 within a special flood hazard area:

8 (1) Review of all proposed development in the special  
9 flood hazard area to assure compliance with the standards  
10 set forth in this Section.

11 (2) Monitoring and inspecting special flood hazard  
12 area development under construction to ensure compliance  
13 with the standards set forth in this Section.

14 (3) Correction, to the extent reasonably practical in  
15 the sole determination of the Department, of all special  
16 flood hazard area development found not to be in  
17 compliance with the standards set forth in this Section.

18 (e) State agencies that administer grants or loans for  
19 financing development within a special flood hazard area shall  
20 inform participants in their programs of the existence and  
21 location of special flood hazard areas and of any State or  
22 local floodplain requirements that are in effect in such  
23 areas.

24 (f) State agencies that are responsible for regulating or  
25 permitting development within a special flood hazard area  
26 shall inform participants in their programs of the existence

1 and location of special flood hazard areas and of any State or  
2 local floodplain requirements that are in effect in such  
3 areas.

4 (g) State agencies that are engaged in planning programs  
5 or programs for the promotion of development shall inform  
6 participants in their programs of the existence and location  
7 of special flood hazard areas and of any State or local  
8 floodplain requirements in effect in such areas.

9 (h) The Department shall provide available flood hazard  
10 information to assist State agencies in complying with the  
11 requirements established by this Section.