



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 511: Enhance Urban Stormwater Management.

2023-2024 General Assembly

Committee: House Local Government - Land Use, Planning and Development. If favorable, refer to Rules, Calendar, and Operations of the House **Date:** April 27, 2023

Introduced by: Reps. Loftis, Blackwell, T. Brown **Prepared by:** Jennifer McGinnis
Analysis of: First Edition **Staff Attorney**

OVERVIEW: *House Bill 511 would expand the authority of stormwater rules and programs to require certain private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities.*

CURRENT LAW/BACKGROUND:

In 2014, the General Assembly enacted legislation to provide that stormwater rules and programs may not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls.

In 2017, the General Assembly modified that legislation to provide that when a preexisting development is redeveloped, either in whole or in part, increased stormwater controls may only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.

In 2021, language was added to provide that a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules¹.

BILL ANALYSIS:

The bill would amend the language prohibiting stormwater rules and programs from requiring private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities, to limit the prohibition to only those owners of private property that includes "small scale residential development" (thus, expanding the authority of stormwater rules and programs to require private property owners of commercial and large scale residential development to install new or increased stormwater controls on preexisting development or redevelopment activities). The bill would define "small scale residential development" as "single-family homes, townhomes, and multiunit residential with four or fewer units."

¹ Under [State law](#), the Environmental Management Commission (EMC) is required to assign each water supply watershed in the State an appropriate classification and applicable minimum management requirements. In addition, every local government that has within its jurisdiction all or a portion of a water supply watershed must adopt and implement a water supply watershed protection program that complies with the minimum standards adopted by the EMC (see applicable [rule](#)) that: (i) controls development density within the watershed and (ii) provides for performance-based alternatives to development density controls that are based on sound engineering principles.

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EFFECTIVE DATE: This bill would be effective when it becomes law and apply to stormwater rules and stormwater program amendments adopted on or after that date.