



2025-2026 General Assembly

HOUSE BILL 376:

Water/Wastewater Affordability & Capacity Act, Sec. 5.5:

Modify the Authority of Certain Local Governments to Require Stormwater Control for Redeveloped Property.

Analysis of: S.L. 2026-32, Sec. 5.5

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Section 5.5 of S.L. 2026-32 (House Bill 376):

- Authorizes a local government to offer non-mandatory incentives that waive building, zoning, connection, or other regulations or fees, provide additional tax and financial benefits, or institute other incentives for development or redevelopment that implements additional stormwater control measures beyond those required by statute and rule.
- Makes various formatting and stylistic changes to existing language governing pre-existing impervious surface on a property under development, and adds language that provides:
 - Existing-built upon area cannot be included in the density calculations for additional stormwater control requirements, irrespective of whether the existing built-upon area is to be demolished, relocated, replaced, or remains in place during development activity.
 - For purposes of determining the size of the area for which stormwater control measures are required for a development or redevelopment, built upon area that existed before the development or redevelopment shall be applied on a square foot for square foot basis to reduce the built-upon area for which stormwater control measures are required.
 - Stormwater control requirements cannot be applied retroactively to existing built-upon area, unless otherwise required by federal law.

Each local government that implements a stormwater management program must amend its stormwater ordinance to conform to these changes by July 2, 2027. Any local stormwater ordinance that is inconsistent with these changes is void and unenforceable on and after that date.

This section became effective July 2, 2026, and applies to stormwater rules and stormwater program amendments adopted on or after that date.

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