

CHAPTER 243

(HB 957)

AN ACT relating to floodplains and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 151.230 is amended to read as follows:

- (1) *The cabinet may establish minimum standards by administrative regulation for floodplain management. Except in local governments containing a city of the first class, local governments may establish their own standards by ordinance.*
- (2) *In counties containing a city of the first class that have adopted a floodplain ordinance, standards relating to substantial improvements to a structure damaged by flood waters shall not be more restrictive than that prescribed by the cabinet.*
- (3) *For purposes of county administrative regulations and ordinances relating to floodplain management, "substantial improvement" as used in subsection (2) of this section shall mean any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during a one (1) year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure.*
- (4) *On the effective date of this Act, for purposes of floodplain management, all property shall be assessed by the property valuation administrator at one hundred percent (100%) of its fair market value with no loss of value to land or structures incurred as a result of any previous flood damage prior to the effective date of this Act. The fair market value of a structure shall be reestablished as that value calculated by the property valuation administrator on or before December 30 of each year. ~~Whenever the cabinet prescribes a standard by rule or regulation, such rule or regulation shall establish a minimum requirement concerning the matter covered thereby and shall be construed in relation to a local law, rule or regulation.~~*
- (5) *The provisions of subsections (3) and (4) of this section shall expire on December 31, 2002, unless reenacted by the local governing body. Nothing in this section, shall prohibit a county containing a city of the first class from amending its own floodplain ordinance at any time.*

Section 2. Whereas recent flood damage combined with restrictive floodplain management practices are making it nearly impossible for citizens of the Commonwealth to make necessary and affordable improvements to their homes, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law. **Approved March 29, 2000**

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