AN ACT

To require the Mayor to create a program that will fund and manage the installation of backwater valves in certain eligible commercial and residential properties in Bloomingdale and LeDroit Park, to provide an appeal process for property owners who have been determined ineligible for the backwater valve program, to require the Mayor to develop a cleanup plan that promptly cleans public streets and walkways that have been flooded by excess sewage and stormwater, to require the District Department of Transportation ("DDOT") and the Department of Public Works to make available sandbags to commercial and residential properties in Bloomingdale and LeDroit Park, and to require the District of Columbia Water and Sewer Authority to conduct a study of Rhode Island Avenue and consult with DDOT to determine whether the structure of the road can be changed to mitigate flooding.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bloomingdale and LeDroit Park Backwater Valve and Sandbag Act of 2012".

Sec. 2. Definitions.
For the purposes of this act, the term:
(1) "Authority" means the District of Columbia Water and Sewer Authority established pursuant to section 202(a) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.02(a)).
(2) "Backwater valve" means a device installed in the building drain or branch of the building drain that prevents the backflow of water and sewage into the building's drainage system.
(3) "Bloomingdale" means the area defined by the following boundaries: starting at North Capitol Street, N.W., south to Florida Avenue, N.W., northwest to 2nd Street, N.W., north to Bryant Street, N.W., northeast to 1st Street, N.W., north to Channing Street, N.W., east to North Capitol Street, N.W.
(4) "DDOT" means the District Department of Transportation.
(5) "DOH" means the Department of Health.
(6) "DPW" means the Department of Public Works.
(7) "LeDroit Park" means the area defined by the following boundaries: starting at Bryant Street, N.W., east to 2nd Street, N.W., south to Rhode Island Avenue, N.W., southwest to Florida Avenue, N.W., northwest to U Street, N.W., west to Vermont Avenue, N.W., northeast to

Florida Avenue, N.W., northwest to Barry Place, N.W., east to Georgia Avenue, N.W., south to Bryant Street, N.W.

      (8) "Mayor's Task Force" means the task force established to investigate the causes of flooding in the Bloomingdale and LeDroit Park areas for the purpose of suggesting remedial actions, as set forth in Mayor's Order 2012-132, dated August 21, 2012 (59 DCR 10549).

      (9) "Public street" or "street" means a public street, alley, or public right-of-way, recorded as a street, road, or highway in the records of the Office of the Surveyor and owned by or under the administrative control or jurisdiction of the District of Columbia.

      (10) "Public walkway" or "walkway" means a public sidewalk or walkway owned by or under the administrative control or jurisdiction of the District of Columbia.

      (11) "Program" means the backwater valve program established in section 3.

      (12) "Sewer-line backup" means a wastewater backup into a building, which is caused by blockages, flow conditions, or malfunctions within the sewer system. Backup does not include wastewater backups resulting from flow conditions caused by overland flooding or blockages, flow conditions, or malfunctions of a private sewer lateral or internal building plumbing.

      (13) "Sewershed" means a geographic and or hydrologic region, or basin, in which wastewater and or stormwater flows are conveyed to a single point, or outlet, before being conveyed elsewhere.

      Sec. 3. Backwater valve program.   **New**
      (a) Within 45 days of the effective date of this act, the Mayor shall establish a program **§ 8-105.52** to manage the installation of backwater valves in commercial and residential properties located in Bloomingdale and LeDroit Park that meet the eligibility requirements established in this section.

      (b) The Program shall pay the costs associated with the purchase and installation of backwater valves in commercial and residential properties in Bloomingdale and LeDroit Park determined eligible pursuant to this section; provided, that the costs of restoring a property that may be incurred by the installation of a backwater valve shall be the sole responsibility of the property owner.

      (c) The Mayor shall develop a proposed budget for the Program and shall submit it to the Council within 45 days of the effective date of this act.

      (d)(1) The Program shall:

            (A) Coordinate with the Authority to determine which properties in Bloomingdale and LeDroit Park are eligible for the installation of backwater valves;

            (B) Develop additional eligibility requirements as needed;

            (C) Inform all commercial and residential property owners in Bloomingdale and LeDroit Park of the establishment of the Program within 60 days of the effective date of this act;

(D) Create a system to receive and process applications for the purchase and installation of backwater valves in commercial and residential properties located in Bloomingdale or LeDroit Park determined eligible for the Program;

(E) Notify a property owner, in writing, whether his or her property is eligible for a backwater valve pursuant to section 3(b) within 30 days of receiving a property owner's application; and

(F) Develop additional Program requirements as needed

(2) In determining whether a property shall be eligible for a backwater valve, a property owner shall be required to submit a written application to the Program along with any requested supporting documentation.

(3) In determining whether a property shall be eligible for a backwater valve, the Program shall consider:

(A) The number of times the property has been subjected to damage as a result of a sewer-line backup;

(B) The likelihood of future property damage to the property as a result of a sewer-line backup; and

(C) The topography and elevation of the property.

(4) Notwithstanding paragraph (1)(B) of this subsection, in determining whether a property is eligible, the Program shall not consider the income or assets of the property owner.

(5) Nothing in this subsection shall be construed to exclude from eligibility a District property that is not in compliance with section P3008 of the 2006 International Residential Code or section 715 of the 2006 International Plumbing Code.

Sec. 4. Appeals.

(a) The owner of a commercial or residential property determined ineligible for a backwater valve pursuant to section 3(b) may appeal the decision within 30 days of receiving the decision by submitting a written appeal to the Director of the agency assigned by the Mayor to manage the Program created in section 3(a).

(b) The Director shall issue a final written decision regarding a property owner's appeal within 30 days of receiving the appeal.

Sec. 5. Stormwater and sewage cleanup plan.

(a) Within 180 days of the effective date of this act, the Mayor shall develop a cleanup plan to promptly clean areas of public streets and walkways that have been flooded by excess sewage, waste, or stormwater during a rainstorm.

(b) The Mayor shall coordinate with DOH to identify health hazards associated with exposure to raw sewage, waste, and contaminated water and consider those hazards in the development of a plan pursuant to subsection (a) of this section.

Sec. 6. Sandbag analysis and distribution.

(a) DPW shall make sandbags available to commercial and residential properties in Bloomingdale and LeDroit Park that have a natural inclination or tendency to experience overland flooding.

(b) Pursuant to subsection (a) of this section, DPW shall assist senior citizens and persons with disabilities who request aid with procuring sandbags in preparation for heavy rain.

Sec. 7. Analysis of Rhode Island Avenue.

DDOT shall determine whether certain sections of Rhode Island Avenue shall be shut down when heavy rain occurs until a more permanent solution is devised by the Mayor's Task Force.

Sec. 8. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 9. Sunset.

This act shall expire on September 30, 2014.

Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.