HB 2312: Regarding Flood Disclosures Testimony by Nancy Bush February 11, 2019

Good morning Chair Barker and members of the Committee. I am Nancy Bush, Director of the Clackamas County Disaster Management Department. Thank you for the opportunity to speak with you today about House Bill 2312 regarding flood disclosures. I am here today in support of that bill.

The most likely disasters to occur in Clackamas County are flood events, and Clackamas County Disaster Management works hard to help residents and homeowners prepare for and mitigate the impact of future floods.

I would like to draw your attention to the line in HB 2312 that reads, "Requires seller of property to disclose whether property is identified by FEMA as Special Flood Hazard Area or whether flood insurance is required by local ordinance or in order to obtain federally regulated loan".

Though we do support this statement, I want to draw your attention to the challenges that Clackamas County and our residents face relating to what is known as Channel Migration Zones – or CMZs. A great local example of this is the Sandy River, which flows off of Mt. Hood and eventually runs into the Columbia River. Because the Upper Sandy River has highly erodible volcanic soil, it does not have a traditional "river bank". During and after a flood event when the river overflows, it has the tendency to migrate dramatically, endangering property,

homes and lives with flooding and erosion. The area of potential impact from this migration of the river is known as the CMZ.

The migration of the Sandy River and damage it causes leaves homes especially vulnerable because the River is likely to migrate well beyond the FEMA mapped special flood hazard areas. It is important to note here that FEMA does not map CMZs. Most homeowners have no clue that these events are possible or the degree to which their lives can be impacted. There are over 1,000 homes in the impact area of the Sandy River alone. Often there is no recourse or assurance that the impact of the disaster will be eligible for any federal disaster assistance. Homes within CMZs are not covered by FEMA flood mapping or disclosure requirements, and there are currently no State of Oregon policies to address CMZs and how to regulate them.

The work related to mapping and assessing CMZs has progressed slowly in Oregon, leaving local jurisdictions with the responsibility of raising awareness among local residents. Disclosures like the one proposed in HB 2312 are an incredible first step towards reducing the risks of homeowners in flood and other hazard areas.

Regrettably, CMZs do not have any legal State of Oregon regulations or designations that could be specified in the disclosure for HB 2312. But we hope that CMZs are able to be included in the future as more work is done to define the scope of such hazard areas. Without inclusion of CMZ in disclosures now or in the future, more homebuyers will purchase homes in dangerous areas such as the Upper Sandy River. Again, Clackamas County supports HB 2312. And we support more focus on Channel Migration Zones in order to protect Oregon's homebuyers and homeowners.

Thank you for your time today.

Business and Labor Committee

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