



Department of Public Service

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October 23, 2019

House Regulatory Reform Committee
P.O. Box 30014
Lansing, MI 48909-7514

Dear Chairman Webber and Committee Members:

Our community is requesting your support for HB 4692, sponsored by Rep. Garza, as it will reduce legal costs related to operating a stormwater system.

Current law exempts local governments from property damage claims if a rain event is so substantial that the stormwater system is unable to handle the water flow. While this is an important protection to the operation of local stormwater systems, it is also open to considerable interpretation. As a result, local governments have spent millions of dollars in legal fees, to prove that they are immune from liability under the current law.

HB 4692 creates a more definitive approach to these local government protections, which will increase certainty for all parties involved. The legislation states that if a rain event results in more than 1.7 inches of water falling in one hour, or 3.3 inches in 24 hours, the local government is not liable for any damages related to that weather event. This allows all parties, including the judge, to know when protections automatically arise. Other provisions that give local government protections that are currently in place, remain intact. These more unique situations deserve the scrutiny of a judge.

Local government officials work diligently to avoid flooded stormwater systems. There are no winners when these situations occur. However, spending large amounts of money on legal fees that accomplish nothing, simply means that there is less money for operating and maintaining these systems. We need to be focused on making our systems more resilient to large-scale rain events. Spending substantial resources on attorneys does not help in achieving that goal.

Thank you for your consideration of this legislation.

Respectfully,

Ramzi El-Gharib, P.E., DPS Director
City of Westland