



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** BL2021-717, **Version:** 2

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An ordinance providing for the waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the March 27-28, 2021 flooding and amending Section 16.28.100 of the Metropolitan Code to allow for the waiver of permit fees in the event of future disasters.

WHEREAS, more than seven inches of rain descended on Nashville March 27-28, 2021, causing widespread flooding, especially along the creeks and Harpeth River, unseen since the 2010 flood; and

WHEREAS, the damage from the flooding resulted in the declaration of a State of Emergency by Mayor John Cooper; and

WHEREAS, the repair and replacement of homes, businesses, and other structures will be costly and will create an economic hardship for many residents and business owners as they recover from this disaster; and

WHEREAS, the Metropolitan Government of Nashville and Davidson County desires to assist its residents and small businesses as they rebuild their lives by waiving all or a portion of the fees for building permits in the event of a disaster.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. (a) Notwithstanding the provisions of Title 16 of the Metropolitan Code, and conditioned on the provisions of subsection (b) of this section, fees shall be waived for all property owners (or their authorized agents), whether for residential or commercial construction, for a building, electrical, gas/mechanical, and/or plumbing permit obtained for repairing or rebuilding an owner's property.

(b) Conditions:

1. The permits are obtained to repair damage to the owner's property caused by flooding from the March 27- 28, 2021 excessive rainfall event.
2. The permits are obtained on or before June 30, 2022.
3. The permits are issued to construct, alter, repair, enlarge, move or demolish any building or structure or part thereof or any appurtenances connected or attached thereto.
4. The owner must provide evidence satisfactory to the director of codes administration or his designee that the work is being performed as a result of damage as provided in subsection (b) (1), above.
5. Property owners who paid building permit fees for flooding related damage prior to the effective date of this ordinance shall be entitled to a refund if they provide evidence satisfactory to the director of codes administration or his designee that the permit was obtained for work resulting from damage as provided in subsection (b)(1), above.

(c) In order to be eligible for the permit fee waiver, the property owner or their authorized agent must sign an affidavit on a form prescribed by the Department of Codes Administration attesting that the

permit fees are not eligible for reimbursement from property insurance or other funding sources.

Section 2. Section 16.28.110 of the Metropolitan Code is hereby amended by adding the following as subsection J: Waiver. Upon resolution by the Metropolitan Council, building, electrical, gas/mechanical, and/or plumbing permit fees may be waived by the director of codes administration when a state of emergency is declared by the mayor.

Section 3. This ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This ordinance, as substituted, waives permit fees for the repair or rebuilding of property damaged as a result of the March 27-28, 2021 flooding and amends the Metro Code to allow for future permit waivers by resolution. This ordinance is similar to Ordinance No. BL2020-234, as amended, which waived building permit fees for the repair or rebuilding of property damaged as a result of the March 3, 2020 tornado and Ordinance No. BL2021-618, which waived building permit fees for the repair or rebuilding of property damaged as a result of the December 25, 2020 bombing.

Under this ordinance, building permit fees would be waived if the following conditions are satisfied:

- The permits are obtained to repair damage to the owner's property caused by flooding from the March 27-28, 2021 excessive rainfall event.
- The permits are obtained on or before June 30, 2022.
- The owner must provide evidence that the work is being performed as a result of damage from this excessive rainfall event.
- Property owners who paid building permit fees for flooding related damage prior to the effective date of this ordinance will be entitled to a refund.

Property owners or their agents must sign an affidavit that the permit fees will not be reimbursed by insurance or other funding sources in order to receive the fee waiver.

The substitute expands the waiver to include electrical, gas/mechanical, and plumbing permits. It also amends Section 16.28.110 of the Metro Code to include a provision that allows for waivers of building, electrical, gas/mechanical, and/or plumbing permit fees by a resolution of Council when a state of emergency is declared by the Mayor.

*Fiscal Note: There were 486 properties classified as having sustained major damage caused by flooding from the March 27-28, 2021 excessive rainfall event. A reliable estimate of permit fees to be waived would be difficult to determine due to the unknown cost of construction on the damaged structures. Assuming the lowest permit fee of \$75, which would allow for up to \$2,000 worth of work, and issued by the deadline on June 30, 2022, the estimated permit fees that would be waived is \$36,450 according to the Codes Department.*