

HOUSE No. 876

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to create a commission to determine the feasibility of voluntary acquisition of flood risk properties and structures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/11/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/26/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/2/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/14/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/14/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/14/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/14/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/14/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/14/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>3/2/2023</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>3/6/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/10/2023</i>

HOUSE No. 876

By Representative Peake of Provincetown, a petition (accompanied by bill, House, No. 876) of Sarah K. Peake and others for an investigation by a special commission (including members of the General Court) relative to the voluntary acquisition of flood risk properties and structures across the Commonwealth. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to create a commission to determine the feasibility of voluntary acquisition of flood risk properties and structures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, there shall
2 be established a commission known as the voluntary acquisition of flood risk properties
3 commission, which shall assess the advantages and disadvantages of voluntary acquisition of
4 flood risk properties and structures across the commonwealth, examine the feasibility of such a
5 program, and identify the components of such a program. The climate chief in the office of
6 climate innovation and resilience, the secretary of energy and environmental affairs, and the
7 director of the Massachusetts emergency management agency shall collectively implement and
8 oversee the commission’s work.

9 (b) The commission shall consist of the following members or their designee: the climate
10 chief in the office of climate innovation and resilience, who shall serve as co-chair, the secretary
11 of energy and environmental affairs, who shall serve as co-chair; the director of the

12 Massachusetts emergency management agency, who shall serve as co-chair; the secretary of the
13 executive office of housing and economic development; the director of the bureau of relocation;
14 the commissioner of the department of environmental protection; the director of coastal zone
15 management; the director of the division of ecological restoration; the director of the department
16 of conservation and recreation flood management program; the minority leader of the senate; the
17 minority leader of the house; and the house and senate chairs of the joint committee on
18 environment, natural resources and agriculture.

19 (c) The commission shall include ten (10) additional members appointed by the chair; 1
20 of whom shall be a representative of a statewide land conservation organization, 1 of whom shall
21 be a representative of a river protection organization, 1 of whom shall be a representative of a
22 statewide wildlife protection organization, 1 of whom shall be a representative of an
23 environmental justice organization, 1 of whom shall be a representative of a housing justice
24 organization, 1 of whom shall be a representative of an organization with expertise in
25 homeowner property and casualty insurance licensed in the commonwealth, 1 of whom shall be
26 a representative of an organization with expertise in mortgages, 1 of whom shall have academic
27 expertise in climate data and flooding, 1 of whom shall be a representative of a regional planning
28 agency in a flood risk area and 1 of whom shall be a professional engineer licensed in
29 Massachusetts. The members of the commission shall be appointed not later than 30 days after
30 the effective date of this act and shall serve until the completion of the report described in
31 paragraph (g).

32 (d) The chairs of the joint committee on public safety and homeland security, and the
33 chairs of the joint committee on housing, or their designees, shall be observers to the commission
34 and shall be invited to all meetings of the commission.

35 (e) The commission shall seek and use the best available climate data and models, and
36 sea level rise, tidal, coastal, riverine flooding data, and models, to present an understanding of
37 the current and future flood risk to inland and coastal property in the commonwealth.

38 (f) The commission shall examine and make recommendations regarding the feasibility
39 and establishment of a flood risk reduction program that focuses on the voluntary acquisition of
40 flood risk properties and structures, that ensures that structures would be demolished, and the
41 land would be permanently conserved and restored to serve as a natural buffer against future
42 storms and floods, and accessible to the public when safe. Such an analysis would also describe
43 the necessary components of such a program, including a process for, and the feasibility of,
44 relocating homeowners and/or tenants.

45 In determining the feasibility of such a program, the commission shall consider the
46 following: (i) creating program eligibility and whether it is restricted to residential property;
47 (ii) identifying program funding, including but not limited to the calculation of fair market value,
48 cost effectiveness, the availability of federal funding and flood insurance, and funding sources
49 for education, outreach, acquisition, demolition, restoration, and relocation; (iii) determining
50 priority acquisition areas (including clusters of flood-prone homes and neighborhoods); (iv)
51 identifying factors that affect program outcomes with regard to the sale of property and the
52 consensual and voluntary relocation of owners and tenants; (v) assessing disproportionate
53 impacts of floods and relocation on low-income homeowners and tenants; (vi) determining the
54 feasibility and affordability of voluntary and consensual relocation of homeowners and tenants;
55 (vii) describing criteria to select participating neighborhoods and communities, including
56 prioritization of low and moderate income property owners, environmental justice populations,
57 and unintended consequences of targeting such communities; (viii) recommending eligible

58 entities that could acquire and own conserved properties in flood risk areas; (ix) facilitating
59 safety and public access in flood risk areas; (x) assessing the opportunity for significant
60 environmental enhancement to public health, safety and welfare and fish and wildlife habitat;
61 (xi) identifying nature-based solutions to protect, restore, and create sustainable resilient natural
62 areas and outdoor recreation opportunities on acquired property; (xii) making recommendations
63 on how to offset community disruption resulting from said program while prioritizing
64 community preservation; and (xiii) assessing the potential benefits of such a program to
65 impacted communities and the Commonwealth.

66 (g) All meetings of the commission shall be open to the public. The commission shall
67 hold at least one public listening session with a remote participation option. The commission
68 shall convene its first meeting no later than September 1, 2023.

69 The commission shall file a report along with findings, recommendations, and
70 accompanying drafts of legislation necessary to carry those recommendations into effect, if any,
71 with the clerks of the house of representatives and the senate, the joint committee on
72 environment, natural resources and agriculture, the joint committee on public safety and
73 homeland security, and the joint committee on housing, not later than June 1, 2024.

74 SECTION 2. Section 1 shall take effect on July 5, 2023.