

HOUSE BILL 892

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3lr2971
CF SB 813

By: **Delegate Ivey**

Introduced and read first time: February 9, 2023

Assigned to: Environment and Transportation and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 2023

CHAPTER _____

1 AN ACT concerning

2 **Environment – Comprehensive Flood Management Grant Program – Funding**
3 **for Underserved and Overburdened Communities**

4 FOR the purpose of requiring a certain percentage of funding provided under the
5 comprehensive flood management grant program to be used for projects located in or
6 directly ~~benefitting census tracts with a certain EJ Score~~ benefitting underserved or
7 overburdened communities in certain fiscal years; requiring authorizing the
8 Governor to include in the annual State budget an appropriation for the
9 comprehensive flood management grant program of up to a certain amount in certain
10 fiscal years; and generally relating to the comprehensive flood management grant
11 program.

12 ~~BY repealing and reenacting, without amendments,~~
13 ~~Article – Environment~~
14 ~~Section 1–101(a), (c), and (j)~~
15 ~~Annotated Code of Maryland~~
16 ~~(2013 Replacement Volume and 2022 Supplement)~~

17 BY repealing and reenacting, with amendments,
18 Article – Environment
19 Section 5–803(h)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

~~1-101.~~

~~(a) In this article the following words have the meanings indicated.~~

~~(e) “EJ Score” means an overall evaluation of an area’s environment and existing environmental justice indicators, as defined by the Department in regulation, including:~~

~~(1) Pollution burden exposure;~~

~~(2) Pollution burden environmental effects;~~

~~(3) Sensitive populations; and~~

~~(4) Socioeconomic factors.~~

~~(j) “Maryland EJ tool” means a publicly available State mapping tool that allows users to:~~

~~(1) Explore layers of environmental justice concern;~~

~~(2) Determine an overall EJ Score for census tracts in the State; and~~

~~(3) View additional context layers relevant to an area.~~

5-803.

(h) (1) There is a comprehensive flood management grant program within the Department.

(2) (i) Subject to the approval of the Board of Public Works, the Department may use proceeds from the State debt created to fund the comprehensive flood management grant program to pay the entire cost of watershed studies pursuant to subsection (b) of this section.

(ii) The Department may provide grants to subdivisions to pay the entire cost of watershed studies when the Department delegates that responsibility pursuant to subsection (b) of this section.

(3) (i) Subject to the approval of the Board of Public Works, the Department may provide grants to subdivisions for flood control and watershed management capital projects, and for the capital costs related to design, purchase, and installation of automated flood warning projects, provided that the projects are consistent

1 with the plans and implementation prepared and adopted in accordance with this subtitle,
2 and provided further that each project:

3 1. Is undertaken as part of a comprehensive flood
4 management plan prepared and adopted by the subdivision; and

5 2. Is not inconsistent with any State or interjurisdictional
6 flood management plan.

7 (ii) Grants for automated flood warnings projects shall be
8 conditioned to require all affected local governing bodies to:

9 1. Adopt a specific and compatible response plan which has
10 been coordinated with local emergency management authorities and reviewed and
11 approved by the Department and the Maryland Department of Emergency Management;
12 and

13 2. Provide for financial and other commitments to properly
14 operate and maintain the project.

15 (iii) 1. The amount of any grant made by the Department for a
16 flood control and watershed management capital project that involves only nonfederal
17 funds and meets the criteria of this subtitle shall be matched by a minimum amount of 25%
18 of project costs in local government or private funds.

19 2. For a flood control and watershed management capital
20 project that involves federal funding and meets the criteria of this subtitle:

21 A. The Department may provide up to 50% of the nonfederal
22 share of the project funding; and

23 B. Local government or private funds shall provide not less
24 than 50% of the nonfederal share of the project funding.

25 (iv) Each project application for a grant under this paragraph shall
26 be submitted to and reviewed by the State clearinghouse of the Department of Planning in
27 accordance with established clearinghouse procedures.

28 (4) (i) Subject to the approval of the Board of Public Works, the
29 Department may provide grants to subdivisions immediately after a flood for acquisition of
30 any flood damaged owner-occupied dwelling.

31 (ii) Total expenditures for grants made under this paragraph may
32 not exceed 50% of the total authorized budgeted funds in a fiscal year for grants under this
33 subsection.

1 (5) (i) The Department may award grants to subdivisions that have
2 incurred at least \$1,000,000 in infrastructure damage caused by a flood event that occurred
3 on or after January 1, 2009.

4 (ii) The total amount of grants awarded by the Department to
5 subdivisions under this paragraph may:

6 1. For fiscal years 2020, 2021, and 2022, equal up to 100% of
7 the total amount of money appropriated to the comprehensive flood management program;
8 and

9 2. For fiscal year 2023 and each fiscal year thereafter, equal
10 up to 50% of the total amount of money appropriated to the comprehensive flood
11 management program.

12 (iii) A grant awarded to a subdivision under this paragraph may be:

13 1. For an amount of up to 50% of the combined cost of
14 infrastructure repairs, watershed restoration, and emergency work associated with the
15 flood event;

16 2. Used for infrastructure repairs, watershed management,
17 or emergency protection work associated with the flood event; and

18 3. Used for expenses associated with item 2 of this
19 subparagraph that the subdivision has already incurred.

20 (iv) The Department shall prioritize awarding grants under this
21 paragraph to subdivisions in which:

22 1. Infrastructure damage occurred in an area designated by
23 the Maryland Historical Trust as an historic district; or

24 2. Infrastructure damage caused by a flood event has
25 occurred more than once within the previous 5 years.

26 (6) To receive a grant, the subdivision must participate in the national
27 flood insurance program.

28 (7) Before awarding a grant under paragraphs (2), (3), or (4) of this
29 subsection, the Department, in cooperation with the Department of Planning, shall review
30 the flood control and watershed management operations of the applicant subdivision to
31 assure that the flood control and watershed management operations are in compliance with
32 this subtitle.

1 (8) (i) [The] **FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR**
 2 **THEREAFTER, THE** Governor ~~shall~~ **MAY** include in the annual State budget an
 3 appropriation for the comprehensive flood management grant program of ~~at least~~[:

- 4 1. For fiscal year 2021, \$3,000,000;
- 5 2. For fiscal year 2022, \$3,000,000; and
- 6 3. For fiscal year 2023, \$2,000,000] **UP TO \$20,000,000.**

7 (ii) ~~IN FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR~~
 8 **THEREAFTER, AT LEAST 40% OF FUNDING PROVIDED UNDER THE COMPREHENSIVE**
 9 **FLOOD MANAGEMENT GRANT PROGRAM SHALL BE USED FOR PROJECTS LOCATED IN**
 10 **OR DIRECTLY BENEFITING CENSUS TRACTS WITH AN EJ SCORE OF .76 OR GREATER,**
 11 **AS IDENTIFIED USING THE MARYLAND EJ TOOL UNDERSERVED OR OVERBURDENED**
 12 **COMMUNITIES, AS DEFINED IN § 1-701 OF THIS ARTICLE.**

13 (III) Funds not awarded from the comprehensive flood management
 14 grant program by the end of a fiscal year:

- 15 1. Shall remain in the program; and
- 16 2. Are not subject to § 7-302 of the State Finance and
 17 Procurement Article.

18 (9) (i) The Department, in consultation with the Department of
 19 Planning, shall adopt regulations necessary for the administration of the grant program.

20 (ii) These regulations may include:

- 21 1. A determination of statewide and interjurisdictional needs
 22 and priorities;
- 23 2. Standards of eligibility for applicants and projects;
- 24 3. Criteria for recognition of tidal and nontidal areas;
- 25 4. Engineering and economic standards and alternatives;
 26 and
- 27 5. Procedures for filing and processing contents of
 28 applications.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 30 1, 2023.