

SENATE BILL 269

M3, B1

9lr0495
CF 9lr1406

By: **Senators Hester, Guzzone, Carter, Hough, Kagan, Lam, Peters, West, and Zucker**

Introduced and read first time: January 28, 2019

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Comprehensive Flood Management Grant Program – Awards for Flood Damage**
3 **and Mandatory Funding**

4 FOR the purpose of altering the policy and purpose of provisions of law governing flood
5 control and watershed management to include establishing a grant program to assist
6 local jurisdictions with certain repairs and work associated with a flood event;
7 clarifying the projects for which an application must be submitted to and reviewed
8 by the State clearinghouse of the Department of Planning; authorizing the
9 Department of the Environment to use the comprehensive flood management grant
10 program to award grants to subdivisions that have incurred infrastructure damage
11 of a certain monetary amount caused by a flood event that occurred on or after a
12 certain date; specifying the amount and use of the grant; establishing a priority for
13 awarding the grant; requiring the Governor to include a certain appropriation to the
14 comprehensive flood management grant program in each annual budget submission;
15 making stylistic and conforming changes; and generally relating to the
16 comprehensive flood management grant program.

17 BY repealing and reenacting, without amendments,
18 Article – Environment
19 Section 5–801(a), (e), and (i)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Environment
24 Section 5–802(b) and 5–803(h)
25 Annotated Code of Maryland
26 (2013 Replacement Volume and 2018 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Environment**

3 5–801.

4 (a) In this subtitle the following terms have the meanings indicated.

5 (e) “Federal flood insurance program” means the program established by the
6 National Flood Insurance Act of 1968, as amended.

7 (i) “Subdivision” means:

8 (1) Any county, including Baltimore City; and

9 (2) Any incorporated municipality which has the authority to adopt and
10 enforce land use and control measures for the areas within its jurisdiction.

11 5–802.

12 (b) The policy and purposes of this subtitle are:

13 (1) To assist in the guidance of development to minimize the impacts of
14 flooding;

15 (2) To provide State guidelines and technical assistance to local
16 governments in management of flood hazard areas;

17 (3) To provide for comprehensive watershed management;

18 (4) To facilitate implementation of projects for flood control;

19 (5) To encourage and provide for local governmental units to manage
20 flood-prone lands in a comprehensive manner;

21 (6) To provide for the biological and environmental quality of the
22 watersheds of the State; and

23 (7) To establish a grant program to assist local jurisdictions with
24 [implementation]:

25 (I) **IMPLEMENTATION** of those capital projects included within the
26 comprehensive flood management plans which are adopted and approved in accordance
27 with this subtitle; **AND**

28 (II) **INFRASTRUCTURE REPAIRS, DEBRIS REMOVAL, AND**

1 **EMERGENCY PROTECTION WORK ASSOCIATED WITH A FLOOD EVENT.**

2 5–803.

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

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

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

12 (3) (I) Subject to the approval of the Board of Public Works, the
13 Department may provide grants to subdivisions for flood control and watershed
14 management capital projects, and for the capital costs related to design, purchase, and
15 installation of automated flood warning projects, provided that the projects are consistent
16 with the plans and implementation prepared and adopted in accordance with this subtitle,
17 and provided further that each project:

18 [(i)] 1. Is undertaken as part of a comprehensive flood
19 management plan prepared and adopted by the subdivision; and

20 [(ii)] 2. Is not inconsistent with any State or interjurisdictional
21 flood management plan.

22 [(4)] (II) Grants for automated flood warnings projects shall be
23 conditioned to require all affected local governing bodies TO:

24 [(i)] 1. [To adopt] **ADOPT** a specific and compatible response plan
25 which has been coordinated with local emergency management authorities and reviewed
26 and approved by the Department and the Maryland Emergency Management Agency; and

27 [(ii)] 2. [To provide] **PROVIDE** for financial and other
28 commitments to properly operate and maintain the project.

29 (III) 1. **THE AMOUNT OF ANY GRANT MADE BY THE**
30 **DEPARTMENT FOR A FLOOD CONTROL AND WATERSHED MANAGEMENT CAPITAL**
31 **PROJECT THAT INVOLVES ONLY NONFEDERAL FUNDS AND MEETS THE CRITERIA OF**
32 **THIS SUBTITLE SHALL BE MATCHED BY A MINIMUM AMOUNT OF 25% OF PROJECT**
33 **COSTS IN LOCAL GOVERNMENT OR PRIVATE FUNDS.**

34 2. **FOR A FLOOD CONTROL AND WATERSHED**

1 MANAGEMENT CAPITAL PROJECT THAT INVOLVES FEDERAL FUNDING AND MEETS
2 THE CRITERIA OF THIS SUBTITLE:

3 A. THE DEPARTMENT MAY PROVIDE UP TO 50% OF THE
4 NONFEDERAL SHARE OF THE PROJECT FUNDING; AND

5 B. LOCAL GOVERNMENT OR PRIVATE FUNDS SHALL
6 PROVIDE NOT LESS THAN 50% OF THE NONFEDERAL SHARE OF THE PROJECT
7 FUNDING.

8 (IV) EACH PROJECT APPLICATION FOR A GRANT UNDER THIS
9 PARAGRAPH SHALL BE SUBMITTED TO AND REVIEWED BY THE STATE
10 CLEARINGHOUSE OF THE DEPARTMENT OF PLANNING IN ACCORDANCE WITH
11 ESTABLISHED CLEARINGHOUSE PROCEDURES.

12 [(5)] (4) (i) Subject to the approval of the Board of Public Works, the
13 Department may provide grants to subdivisions immediately after a flood for acquisition of
14 any flood damaged owner-occupied dwelling.

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

18 [(6) (i) The amount of any grant made by the Department for a flood
19 control and watershed management capital project which involves only nonfederal funds
20 and meets the criteria of this subtitle shall be matched by a minimum amount of 25% of
21 project costs in local government or private funds.

22 (ii) For a flood control and watershed management capital project
23 which involves federal funding and meets the criteria of this subtitle:

24 1. The Department may provide up to 50% of the nonfederal
25 share of the project funding; and

26 2. Local government or private funds shall provide not less
27 than 50% of the nonfederal share of the project funding.]

28 (5) (I) THE DEPARTMENT MAY AWARD GRANTS TO SUBDIVISIONS
29 THAT HAVE INCURRED AT LEAST \$1,000,000 IN INFRASTRUCTURE DAMAGE CAUSED
30 BY A FLOOD EVENT THAT OCCURRED ON OR AFTER JANUARY 1, 2009.

31 (II) A GRANT AWARDED TO A SUBDIVISION UNDER THIS
32 PARAGRAPH MAY BE:

33 1. FOR AN AMOUNT OF UP TO 50% OF THE COMBINED

1 COST OF INFRASTRUCTURE REPAIRS, DEBRIS REMOVAL, AND EMERGENCY WORK
2 ASSOCIATED WITH THE FLOOD EVENT;

3 2. USED FOR INFRASTRUCTURE REPAIRS, DEBRIS
4 REMOVAL, OR EMERGENCY PROTECTION WORK ASSOCIATED WITH THE FLOOD
5 EVENT; AND

6 3. USED FOR EXPENSES ASSOCIATED WITH ITEM 2 OF
7 THIS ITEM THAT THE SUBDIVISION HAS ALREADY INCURRED.

8 (III) THE DEPARTMENT SHALL PRIORITIZE AWARDING GRANTS
9 UNDER THIS PARAGRAPH TO SUBDIVISIONS IN WHICH:

10 1. INFRASTRUCTURE DAMAGE OCCURRED IN A LOCALLY
11 DESIGNATED HISTORIC DISTRICT; OR

12 2. INFRASTRUCTURE DAMAGE CAUSED BY A FLOOD
13 EVENT HAS OCCURRED MORE THAN ONCE WITHIN THE PREVIOUS 5 YEARS.

14 [(7)] (6) To receive a grant, the subdivision must participate in the
15 national flood insurance program.

16 [(8)] (7) Before [making] AWARDING a grant UNDER PARAGRAPHS (2),
17 (3), OR (4) OF THIS SUBSECTION, the Department, in cooperation with the Department
18 of Planning, shall review the flood control and watershed management operations of the
19 applicant subdivision to assure that the flood control and watershed management
20 operations are in compliance with this subtitle.

21 [(9)] (8) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE
22 IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF AT LEAST \$5,000,000 FOR
23 THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM.

24 (9) (I) The Department, in consultation with the Department of
25 Planning, shall adopt regulations necessary for the administration of the grant program.

26 (II) These regulations may include:

27 [(i)] 1. A determination of statewide and interjurisdictional needs
28 and priorities;

29 [(ii)] 2. Standards of eligibility for applicants and projects;

30 [(iii)] 3. Criteria for recognition of tidal and nontidal areas;

1 [(iv)] 4. Engineering and economic standards and alternatives;
2 and

3 [(v)] 5. Procedures for filing and processing contents of
4 applications.

5 [(10) Each project application shall be submitted to and reviewed by the
6 State clearinghouse of the Department of Planning in accordance with established
7 clearinghouse procedures.]

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2019.