

# SENATE BILL 269

M3, B1

9lr0495  
CF HB 428

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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2019

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## CHAPTER \_\_\_\_\_

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~~ authorizing the Governor to include a certain  
14 appropriation to the comprehensive flood management grant program in each  
15 annual budget submission; specifying that funds not awarded from the  
16 comprehensive flood management grant program by the end of a fiscal year remain  
17 in the program and are not subject to certain provisions of law; making stylistic and  
18 conforming changes; and generally relating to the comprehensive flood management  
19 grant program.

20 BY repealing and reenacting, without amendments,  
21 Article – Environment  
22 Section 5–801(a), (e), and (i)  
23 Annotated Code of Maryland

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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.



(2013 Replacement Volume and 2018 Supplement)

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

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

**Article – Environment**

5–801.

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

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

(i) “Subdivision” means:

(1) Any county, including Baltimore City; and

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

5–802.

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

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

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

(3) To provide for comprehensive watershed management;

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

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

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

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

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

6 (II) **INFRASTRUCTURE REPAIRS, DEBRIS REMOVAL, AND**  
7 **EMERGENCY PROTECTION WORK ASSOCIATED WITH A FLOOD EVENT.**

8 5–803.

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

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

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

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

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

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

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

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

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

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

6                   **2. FOR A FLOOD CONTROL AND WATERSHED**  
7 **MANAGEMENT CAPITAL PROJECT THAT INVOLVES FEDERAL FUNDING AND MEETS**  
8 **THE CRITERIA OF THIS SUBTITLE:**

9                   **A. THE DEPARTMENT MAY PROVIDE UP TO 50% OF THE**  
10 **NONFEDERAL SHARE OF THE PROJECT FUNDING; AND**

11                   **B. LOCAL GOVERNMENT OR PRIVATE FUNDS SHALL**  
12 **PROVIDE NOT LESS THAN 50% OF THE NONFEDERAL SHARE OF THE PROJECT**  
13 **FUNDING.**

14                   **(IV) EACH PROJECT APPLICATION FOR A GRANT UNDER THIS**  
15 **PARAGRAPH SHALL BE SUBMITTED TO AND REVIEWED BY THE STATE**  
16 **CLEARINGHOUSE OF THE DEPARTMENT OF PLANNING IN ACCORDANCE WITH**  
17 **ESTABLISHED CLEARINGHOUSE PROCEDURES.**

18                   **[(5) (4) (i)** Subject to the approval of the Board of Public Works, the  
19 Department may provide grants to subdivisions immediately after a flood for acquisition of  
20 any flood damaged owner-occupied dwelling.

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

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

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

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

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

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

4           **(II) A GRANT AWARDED TO A SUBDIVISION UNDER THIS**  
5 **PARAGRAPH MAY BE:**

6           **1. FOR AN AMOUNT OF UP TO 50% OF THE COMBINED**  
7 **COST OF INFRASTRUCTURE REPAIRS, DEBRIS REMOVAL, AND EMERGENCY WORK**  
8 **ASSOCIATED WITH THE FLOOD EVENT;**

9           **2. USED FOR INFRASTRUCTURE REPAIRS, DEBRIS**  
10 **REMOVAL, OR EMERGENCY PROTECTION WORK ASSOCIATED WITH THE FLOOD**  
11 **EVENT; AND**

12           **3. USED FOR EXPENSES ASSOCIATED WITH ITEM 2 OF**  
13 **THIS ~~ITEM~~ SUBPARAGRAPH THAT THE SUBDIVISION HAS ALREADY INCURRED.**

14           **(III) THE DEPARTMENT SHALL PRIORITIZE AWARDING GRANTS**  
15 **UNDER THIS PARAGRAPH TO SUBDIVISIONS IN WHICH:**

16           **1. INFRASTRUCTURE DAMAGE OCCURRED IN ~~A LOCALLY~~**  
17 **AN AREA DESIGNATED BY THE MARYLAND HISTORICAL TRUST AS AN HISTORIC**  
18 **DISTRICT; OR**

19           **2. INFRASTRUCTURE DAMAGE CAUSED BY A FLOOD**  
20 **EVENT HAS OCCURRED MORE THAN ONCE WITHIN THE PREVIOUS 5 YEARS.**

21           **[(7)] (6)** To receive a grant, the subdivision must participate in the  
22 national flood insurance program.

23           **[(8)] (7)** Before [making] **AWARDING** a grant **UNDER PARAGRAPHS (2),**  
24 **(3), OR (4) OF THIS SUBSECTION,** the Department, in cooperation with the Department  
25 of Planning, shall review the flood control and watershed management operations of the  
26 applicant subdivision to assure that the flood control and watershed management  
27 operations are in compliance with this subtitle.

28           **[(9)] (8) (I) FOR EACH FISCAL YEAR, THE GOVERNOR ~~SHALL~~ MAY**  
29 **INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION ~~OF AT LEAST~~**  
30 **~~\$5,000,000~~ FOR THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM.**

31           **(II) FUNDS NOT AWARDED FROM THE COMPREHENSIVE FLOOD**  
32 **MANAGEMENT GRANT PROGRAM BY THE END OF A FISCAL YEAR:**

33           **1. SHALL REMAIN IN THE PROGRAM; AND**

1 2. ARE NOT SUBJECT TO § 7-302 OF THE STATE  
2 FINANCE AND PROCUREMENT ARTICLE.

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

5 (II) These regulations may include:

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

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

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

10 [(iv)] 4. Engineering and economic standards and alternatives;  
11 and

12 [(v)] 5. Procedures for filing and processing contents of  
13 applications.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
18 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.