

HOUSE BILL 428

M3, B1

9lr1406
CF SB 269

By: **Delegates C. Watson, Atterbeary, Bagnall, Cain, Chang, Corderman, Ebersole, Feldmark, Fennell, Hill, Jackson, Kelly, Kittleman, Korman, Lafferty, R. Lewis, Miller, Patterson, Pendergrass, and Terrasa**

Introduced and read first time: January 31, 2019

Assigned to: Environment and Transportation and Appropriations

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Environment**

4 5–801.

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

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

8 (i) “Subdivision” means:

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

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

12 5–802.

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

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

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

18 (3) To provide for comprehensive watershed management;

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

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

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

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

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

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

3 5–803.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **(II)** These regulations may include:

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

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

31 **[(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.