

HB1209_IndivisibleHoCoMD_FAV_BarbaraMatheson (2).p

Uploaded by: Barbara Matheson

Position: FAV



HB1209 - Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023)

Testimony before the Environment and Transportation Committee

March 8, 2023

Position: FAVORABLE

Mr. Chair, Mr. Vice Chair, and members of the committee, my name is Barbara Matheson, and I represent the 750+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony in support of HB1209. We are grateful to Delegates Lehman, Ivey, Pena-Melnyk, Ruth, Solomon, Stewart, Taveras, Terrasa for their sponsorship of this important and essential act.

Atmospheric concentrations of greenhouse gases are triggering a complex set of changes on Earth. Warmer oceans and warmer air are producing more water vapor. In Maryland the direct result is more severe storms and more intense rainfall. More of our rain is now falling as downpours, which increases inland flooding. The catastrophic floods in Ellicott City in 2016 and 2018 illustrate the severity of inland flooding. **Researchers at the University of Maryland Extension predict that inland flooding will increase by about 50% by 2050.**

The number of strong and damaging hurricanes is increasing. In 2017, just three hurricanes (Harvey, Irma, and Maria) caused over \$295 billion in damage. The 2020 hurricane season broke records with 30 named storms, 12 of which made landfall. 2021 was the fourth-costliest hurricane season on record, with 21 named storms, including 7 that made landfall. More of these storms are moving up the Eastern seaboard threatening Maryland's coastline.

HB1209 is an essential and expedient plan to protect properties from inevitable damage and destruction. It mandates that the Department of the Environment do the following: produce a Flood Risk Assessment Map and educate the citizens as to content; establish criteria and regulations for both new and renovated structures in floodplain areas; develop regulations to prohibit landfills in floodplain areas, and designate areas where construction is prohibited. Local planning and zoning departments of local governments will be required to submit to DOE evidence of compliance. These measures shall be enacted by September 1, 2025 – an expedient and necessary deadline.

We respectfully urge a favorable committee report.

Barbara Matheson, PhD

Columbia, MD

HB 1209_CBF_FAV.pdf

Uploaded by: Doug Myers

Position: FAV



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 1209

Environment – Flood Control – Flood Risk Assessment and Model Ordinance
(Climate Ready Floodplain Act of 2023)

Date: March 8, 2023
To: House Environment and Transportation Committee

Position: Support
From: Doug Myers
Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 1209 which requires MD Department of the Environment to establish a flood risk map projected forward to expected 2050 sea levels, prohibits certain activities for reconstruction within risk zones and applies Coast Smart siting and design criteria to all new construction.

Maryland's coastal wetlands are disappearing as a result of sea level rise and even if greenhouse gas emissions are sharply reduced now, the amount of carbon dioxide already in the atmosphere will result in a certain amount of sea level rise that cannot be avoided¹. The fish and wildlife nursery habitats, wave attenuation, carbon sequestration and water filtration benefits of healthy tidal wetlands cannot be underestimated in how they protect the Chesapeake Bay. While there are natural mechanisms within wetlands to trap suspended sediments and keep pace with sea level rise, they can only do so if their landward migration is not impeded by human infrastructure.

HB 1209 takes advantage of significant new science projecting sea levels to the mid-century time period that will be experienced within Maryland and calls for the adjustment of our current understanding of coastal flood risk in this dynamic and changing environment. The data will assist homeowners and local governments in preparing resilience plans ahead of impending inundation and limit the expense of repetitive losses of property while creating space needed for wetland migration.

Moreover, the model ordinance assists local governments in considering all of the options to address new sea levels and sets a reasonable timeframe for the adoption of local ordinances. Together, the provisions of HB 1209 will prepare Maryland's coastal communities for the near future as we continue to lower the greenhouse gas emissions that are causing this disruption.

CBF urges the Committee's FAVORABLE report on HB 1209.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

¹ <https://climate.nasa.gov/news/2533/short-lived-greenhouse-gases-cause-centuries-of-sea-level-rise/>

Floodplain Act HB1209 WRITTEN TESTIMONY.pdf

Uploaded by: Mary Lehman

Position: FAV

DELEGATE MARY A. LEHMAN
Legislative District 21
Prince George's and
Anne Arundel Counties

Environment and Transportation
Committee



The Maryland House of Delegates
6 Bladen Street, Room 209
Annapolis, Maryland 21401
301-858-3114 · 410-841-3114
800-492-7122 Ext. 3114
Mary.Lehman@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HOUSE BILL 1209

**ENVIRONMENT—FLOOD CONTROL—FLOOD RISK ASSESSMENT AND MODEL
ORDINANCE (CLIMATE READY FLOODPLAIN ACT OF 2023)
SUPPORT WITH AMENDMENTS**

MARCH 8, 2023

MR. CHAIR, MR. VICE CHAIR, MEMBERS OF THE ENVIRONMENT AND
TRANSPORTATION COMMITTEE, THANK YOU FOR THE OPPORTUNITY TO
PRESENT HB 1209.

THIS BILL AS AMENDED WILL REQUIRE THE MARYLAND DEPARTMENT OF
ENVIRONMENT BEGINNING IN 2025 TO CONSIDER WHETHER IT NEEDS TO
UPDATE ITS MODEL FLOODPLAIN ORDINANCE TO INCORPORATE THE IMPACT OF
CLIMATE CHANGE ON FLOODING RISKS ACROSS MARYLAND.

THE ORIGINAL BILL MANDATED AN UPDATE OF THE STATE'S 2018 MODEL
ORDINANCE TO CONSIDER THE IMPACTS OF CLIMATE CHANGE, INCLUDING SEA
LEVEL RISE. IT ALSO REQUIRED COUNTY AND MUNICIPAL GOVERNMENTS WITH
ZONING AUTHORITY TO UPDATE THEIR MODEL ORDINANCES AS WELL.

HOWEVER, GIVEN MDE'S STAFFING CHALLENGES AND YEARS OF INSUFFICIENT FUNDING, I AGREED THAT SUCH A MANDATE WAS NOT REALISTIC IN THE SHORT TERM. THE AMENDMENTS CHANGE THE BILL TO REQUIRE THAT MDE CONVENE A WORK GROUP EVERY FIVE YEARS BEGINNING IN JULY 2025 TO DETERMINE WHETHER THE STATE MODEL FLOODPLAIN ORDINANCE NEEDS TO BE UPDATED. THE MEMBERS OF THE WORKGROUP, AS ENNUMERATED IN THE AMENDMENTS, INCLUDE MACO, MML AND THE MARYLAND ASSOCIATION OF FLOOD AND STORMWATER MANAGERS (MAFSM)

HB 1209 REQUIRES AN MDE-LED WORKGROUP TO CONSIDER UPDATES TO ITS STATEWIDE FLOODPLAIN ORDINANCE WITH INPUT FROM THE WORKGROUP, WHICH MUST WEIGH THE COMBINED EFFECTS ON FLOOD RISK CREATED BY SEA LEVEL RISE, STORM SURGES, INCREASED PRECIPITATION, INCREASED TEMPERATURE, OVERFLOW FROM COASTAL AND INLAND WATERS OF THE STATE, AND EXTREME WEATHER EVENTS. THE BILL ALSO WILL MAKE SURE MDE TAKES INTO CONSIDERATION THE SITING AND DESIGN CRITERIA OUTLINED IN THE COAST SMART STANDARDS THIS COMMITTEE ADOPTED IN 2018 FOR STATE-FUNDED CONSTRUCTION PROJECTS.

THE PROPOSED AMENDMENTS RECOGNIZE THE NEGATIVE FISCAL IMPACT MDE WOULD BEAR IF THE FLOODPLAIN ORDINANCE UPDATE WAS MANDATED EVERY FIVE YEARS, AS LAID OUT IN THE ORIGINAL BILL. THE WORKGROUP MODEL IS A MORE MEASURED AND FISCALLY SOUND APPROACH THAT ACKNOWLEDGES THE NEED FOR A REGULAR ASSESSMENT OF FLOOD RISK.

THIS BILL IS MEANT TO ADDRESS THE GROWING RISK OF FLOODING IN MARYLAND THAT STEMS FROM BOTH CLIMATE CHANGE AND THE FACT THAT OUR STATE IS MORE VULNERABLE TO FLOODING THAN MANY OTHER STATES BECAUSE OF ITS ALREADY LOW-LYING AREAS, PRIMARILY ON THE EASTERN SHORE.

THANK YOU FOR YOUR CONSIDERATION OF THE CLIMATE READY FLOODPLAIN ACT OF 2023. I RESPECTFULLY ASK FOR A FAVORABLE REPORT.

###

HB_1209_Reprint_Lehman

Uploaded by: Mary Lehman

Position: FAV

UNOFFICIAL COPY OF HOUSE BILL 1209

HOUSE BILL 1209

M3

3lr2817

By: **Delegates Lehman, Ivey, Pena-Melnyk, Ruth, Solomon, Stewart, Taveras, and Terrasa**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Flood Control - ~~Flood Risk Assessment and~~ Model Floodplain Ordinance**
3 **(Climate Ready Floodplain Act of 2023)**

4 FOR the purpose of ~~requiring the Department of the Environment to publish a statewide~~
5 ~~flood risk assessment map projected to a certain year and educate the public on~~
6 ~~certain information on or before a certain date;~~ requiring the Department of the Environment
7 to
8 establish a certain model floodplain ordinance on or before a certain date and review and consider
9 updates to the ordinance with a certain frequency; ~~requiring~~
10 ~~certain units of local government to submit to the Department for review a certain~~
11 ~~proposed floodplain ordinance on or before a certain date~~ requiring the Department to take
12 certain actions and consult with certain groups and stakeholders in reviewing and considering updates to
13 the model floodplain ordinance; and generally relating to
14 flood risk and floodplain ordinances.

11 BY adding to

12 Article - Environment

13 Section 5-701.1

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2022 Supplement)

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

17 That the Laws of Maryland read as follows:

18 **Article - Environment**

19 **5-701.1.**

20 **(A) IN THIS SECTION, "BUILDING" MEANS ANY STRUCTURE USED OR**
21 **INTENDED FOR SUPPORTING OR SHELTERING ANY USE OR OCCUPANCY.**

22 **(B) ON OR BEFORE JULY 1, ~~2024~~ 2025, THE DEPARTMENT SHALL ~~ESTABLISH A~~**
MODEL FLOODPLAIN ORDINANCE, AND, EVERY 5 YEARS THEREAFTER, REVIEW AND CONSIDER UPDATES TO THE
ORDINANCE.

2

UNOFFICIAL COPY OF HOUSE BILL 1209

1 ~~(1) PUBLISH A STATEWIDE FLOOD RISK ASSESSMENT MAP~~
 2 ~~PROJECTED TO THE YEAR 2050 THAT:~~

3 ~~(i) ILLUSTRATES ANY AREA THAT HAS A 0.2% CHANCE OF~~
 4 ~~FLOODING OR 1% CHANCE OF FLOODING DUE TO THE COMBINED EFFECTS OF SEA~~
 5 ~~LEVEL RISE, STORM SURGES, INCREASED PRECIPITATION, INCREASED~~
 6 ~~TEMPERATURE, OVERFLOW FROM THE WATERS OF THE STATE, AND EXTREME~~
 7 ~~WEATHER EVENTS RELATED TO THE ANTICIPATED ADVERSE EFFECTS OF CLIMATE~~
 8 ~~CHANGE; AND~~

9 ~~(ii) INCLUDES PROJECTIONS IN FEET FOR HOW HIGH THE~~
 10 ~~WATER LEVEL MAY RISE IN AREAS THAT HAVE A 0.2% CHANCE OF FLOODING OR 1%~~
 11 ~~CHANCE OF FLOODING BY 2050;~~

12 ~~(2) EDUCATE THE PUBLIC ABOUT THE INFORMATION DESCRIBED~~
 13 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING:~~

14 ~~(i) PUBLISHING THE INFORMATION ON ITS WEBSITE; AND~~

15 ~~(ii) PARTICIPATING IN OUTREACH EFFORTS TO THE GENERAL~~
 16 ~~PUBLIC; AND~~

17 ~~(3) ESTABLISH A MODEL FLOODPLAIN ORDINANCE THAT, AT A~~
 18 ~~MINIMUM:~~

(C) IN REVIEWING AND CONSIDERING UPDATES TO THE MODEL FLOODPLAIN
ORDINANCE REQUIRED UNDER THIS SECTION, THE DEPARTMENT SHALL:

(1) REVIEW THE MOST RECENT FLOOD RISK ASSESSMENT MAPS
AVAILABLE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

(2) REVIEW ADDITIONAL FLOOD RISK ASSESSMENT MAPS AVAILABLE
THAT SHOW PRESENT AND FUTURE FLOODING RESULTING FROM THE COMBINED EFFECTS OF SEA
LEVEL RISE, STORM SURGES, INCREASED PRECIPITATION, INCREASED TEMPERATURE,
OVERFLOW FROM WATERS OF THE STATE, AND EXTREME WEATHER EVENTS RELATED TO THE
ANTICIPATED ADVERSE EFFECTS OF CLIMATE CHANGE;

(3) CONSULT WITH FLOOD MANAGEMENT EXPERTS FROM THE
FOLLOWING GROUPS AND STAKEHOLDERS ABOUT POTENTIAL UPDATES TO THE MODEL
FLOODPLAIN ORDINANCE:

(i) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE;

(ii) THE MARYLAND DEPARTMENT OF EMERGENCY
MANAGEMENT;

(iii) THE DEPARTMENT OF NATURAL RESOURCES;

(iv) THE MARYLAND ASSOCIATION OF COUNTIES;

(v) THE MARYLAND MUNICIPAL LEAGUE; AND

(vi) THE MARYLAND ASSOCIATION OF FLOODPLAIN AND
STORMWATER MANAGERS; AND

(4) COORDINATE WITH THE EXPERTS DESCRIBED UNDER ITEM (3) OF
THIS SUBSECTION TO:

19 (i) ~~INCORPORATES~~ INCORPORATE THE MINIMUM REQUIREMENTS UNDER THE
 20 NATIONAL FLOOD INSURANCE PROGRAM, INCLUDING FLOODPLAIN MANAGEMENT
 21 CRITERIA FOR FLOOD-PRONE AREAS AND REQUIREMENTS FOR VARIANCES AND

22 EXCEPTIONS;

(ii) CONSIDER INCORPORATING PROVISIONS INTO THE MODEL FLOODPLAIN ORDINANCE THAT:

23 ~~(ii)~~ **1. PROHIBITS PROHIBIT** NEW CONSTRUCTION OF ANY
24 BUILDING LOCATED WITHIN AN AREA THAT HAS, ~~BY 2050,~~ A 1% CHANCE OF FLOODING;

25 ~~(iii)~~ **2. FOR AN EXISTING BUILDING THAT IS UNDERGOING**
26 SIGNIFICANT REPAIRS OR RECONSTRUCTION AND IS LOCATED WITHIN AN AREA
27 THAT HAS, ~~BY 2050,~~ A 1% CHANCE OF FLOODING, ~~REQUIRES~~ **REQUIRE** THAT:

28 ~~1. A.~~ **THE GROUND FLOOR OF THE EXISTING BUILDING BE**
29 **ELEVATED AT A MINIMUM OF 2 FEET ELEVATION ABOVE THE BASE FLOOD ELEVATION; AND**

30 ~~2. B.~~ **FLOOD DAMAGE-RESISTANT MATERIALS BE USED**
31 **BELOW THE ELEVATION OF THE GROUND FLOOR;**

3

UNOFFICIAL COPY OF HOUSE BILL 1209

1 ~~(iv)~~ 3. PROHIBITS PROHIBIT THE DISPOSAL OF FILL,
 INCLUDING EARTHEN
 2 SOILS, ROCK, RUBBLE, CONSTRUCTION DEBRIS, WOODY DEBRIS, AND TRASH WITHIN
 3 AN AREA THAT HAS, ~~BY 2025,~~ A 1% CHANCE OF FLOODING;

4 ~~(v)~~ 4. PROHIBITS PROHIBIT THE CONSTRUCTION OF ANY
 PROJECT THAT
 5 DISTURBS GREATER THAN ~~1 ACRE~~ 5 ACRES OF LAND IF A PRE- AND POST-FLOODPLAIN
 6 ANALYSIS INDICATES THAT THE PROJECT WILL INCREASE THE CHANCE OF
 7 FLOODING ~~BY 2050~~ FOR PROPERTIES, NATURAL AREAS, OR NATURAL FEATURES
 8 DOWNSTREAM; AND

9 ~~(vi)~~ 5. APPLIES APPLY THE COAST SMART SITING AND DESIGN
 CRITERIA
 10 UNDER § 3-1009 OF THE NATURAL RESOURCES ARTICLE TO ANY BUILDING OR
 11 PROPERTY LOCATED WITHIN AN AREA THAT HAS, ~~BY 2050,~~ A ~~0.2%~~ 1% CHANCE OF
 12 FLOODING; ~~;~~ AND

13 ~~(c)~~ ON OR BEFORE JULY 1, 2025, A UNIT OF LOCAL GOVERNMENT WITH
 14 PLANNING AND ZONING AUTHORITY SHALL SUBMIT TO THE DEPARTMENT FOR
 15 REVIEW A PROPOSED FLOODPLAIN ORDINANCE THAT INCORPORATES THE
 16 REQUIREMENTS UNDER SUBSECTION (B)(3) OF THIS SECTION.

17 ~~(d)~~ ON OR BEFORE SEPTEMBER 1, 2025, THE DEPARTMENT SHALL:

18 ~~(1)~~ APPROVE ANY PROPOSED FLOODPLAIN ORDINANCES SUBMITTED
 19 IN ACCORDANCE WITH SUBSECTION (c) OF THIS SECTION; OR

20 ~~(2)~~ PROVIDE NOTICE IN WRITING TO THE RELEVANT UNIT OF LOCAL
 21 GOVERNMENT OF ANY REVISIONS THAT THE DEPARTMENT REQUIRES.

(iii) ESTABLISH A PROCESS TO:

1. EDUCATE COMMUNITIES ABOUT FLOOD RISKS; AND

2. ASSIST UNITS OF LOCAL GOVERNMENT WITH PLANNING AND
ZONING AUTHORITY IN IMPLEMENTING NEW FLOODPLAIN MAPS AND THE MODEL
FLOODPLAIN ORDINANCE DESCRIBED IN THIS SECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2023.

hb_1209_Sponsor Amendment _ Lehman

Uploaded by: Mary Lehman

Position: FAV



HB1209/113324/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

06 MAR 23
14:37:43

BY: Delegate Lehman
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 1209
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Flood Risk Assessment and**”; in the same line, after “**Model**” insert “**Floodplain**”; strike beginning with “requiring” in line 4 down through the semicolon in line 6; in line 6, after “Department” insert “of the Environment”; in line 7, after “date” insert “and review and consider updates to the ordinance with a certain frequency”; and strike beginning with “requiring” in line 7 down through “date” in line 9 and substitute “requiring the Department to take certain actions and consult with certain groups and stakeholders in reviewing and considering updates to the model floodplain ordinance”.

AMENDMENT NO. 2

On page 1, in line 22, strike “**2024**” and substitute “**2025**”; and in the same line, strike the colon and substitute “**ESTABLISH A MODEL FLOODPLAIN ORDINANCE, AND, EVERY 5 YEARS THEREAFTER, REVIEW AND CONSIDER UPDATES TO THE ORDINANCE.**”.

On page 2, strike in their entirety lines 1 through 18, inclusive, and substitute:

“(C) IN REVIEWING AND CONSIDERING UPDATES TO THE MODEL FLOODPLAIN ORDINANCE REQUIRED UNDER THIS SECTION, THE DEPARTMENT SHALL:

(1) REVIEW THE MOST RECENT FLOOD RISK ASSESSMENT MAPS AVAILABLE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

(2) REVIEW ADDITIONAL FLOOD RISK ASSESSMENT MAPS AVAILABLE THAT SHOW PRESENT AND FUTURE FLOODING RESULTING FROM THE COMBINED EFFECTS OF SEA LEVEL RISE, STORM SURGES, INCREASED PRECIPITATION, INCREASED TEMPERATURE, OVERFLOW FROM WATERS OF THE STATE, AND EXTREME WEATHER EVENTS RELATED TO THE ANTICIPATED ADVERSE EFFECTS OF CLIMATE CHANGE;

(3) CONSULT WITH FLOOD MANAGEMENT EXPERTS FROM THE FOLLOWING GROUPS AND STAKEHOLDERS ABOUT POTENTIAL UPDATES TO THE MODEL FLOODPLAIN ORDINANCE:

(i) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE;

(ii) THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT;

(iii) THE DEPARTMENT OF NATURAL RESOURCES;

(iv) THE MARYLAND ASSOCIATION OF COUNTIES;

(v) THE MARYLAND MUNICIPAL LEAGUE; AND

(vi) THE MARYLAND ASSOCIATION OF FLOODPLAIN AND STORMWATER MANAGERS; AND

(4) COORDINATE WITH THE EXPERTS DESCRIBED UNDER ITEM (3) OF THIS SUBSECTION TO:"

in line 19, strike "INCORPORATES" and substitute "INCORPORATE"; after line 22, insert:

“(II) CONSIDER INCORPORATING PROVISIONS INTO THE MODEL FLOODPLAIN ORDINANCE THAT:”;

in lines 23, 25, 28, and 30, respectively, strike “(II)”, “(III)”, “1.”, and “2.”, respectively, and substitute “1.”, “2.”, “A.”, and “B.”, respectively; in lines 24 and 27, in each instance, strike “, BY 2050,”; in line 29, strike “OF 2 FEET” and substitute “ELEVATION”; in line 23, strike “PROHIBITS” and substitute “PROHIBIT”; and in line 27, strike “REQUIRES” and substitute “REQUIRE”.

On page 3, in lines 1, 4, and 9, respectively, strike “(IV)”, “(V)”, and “(VI)”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in line 1, strike “PROHIBITS” and substitute “PROHIBIT”; in line 3, strike “, BY 2025,”; in line 4, strike “PROHIBITS” and substitute “PROHIBIT”; in line 5, strike “1 ACRE” and substitute “5 ACRES”; in line 7, strike “BY 2050”; in line 9, strike “APPLIES” and substitute “APPLY”; in line 11, strike “, BY 2050”; in the same line, strike “0.2%” and substitute “1%”; in line 12, strike the period and substitute “; AND”; and strike beginning with “(C)” in line 13 down through the period in line 21 and substitute:

“(III) ESTABLISH A PROCESS TO:

- 1. EDUCATE COMMUNITIES ABOUT FLOOD RISKS;**
AND
- 2. ASSIST UNITS OF LOCAL GOVERNMENT WITH PLANNING AND ZONING AUTHORITY IN IMPLEMENTING NEW FLOODPLAIN MAPS AND THE MODEL FLOODPLAIN ORDINANCE DESCRIBED IN THIS SECTION.”**

HB1209 Testimony_ShoreRivers_Support.pdf

Uploaded by: Matt Pluta

Position: FAV



Testimony in SUPPORT of House Bill 1209 – Climate Ready Floodplain Act of 2023

March 6, 2023

Dear Chairman Barve and Member of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of **HB1209** on behalf of ShoreRivers' 2,000 members. ShoreRivers is a river protection group on the Eastern Shore working to protect and restore local waterways using science-based advocacy, outreach, and restoration.

HB1209 will direct the Maryland Department of Environment (MDE) to consult with expert stakeholders in the review and update of the model floodplain ordinance every five years with special consideration put toward future impacts resulting from combined effects of sea level rise, storm surge, increased precipitation, increased temperature, overflow from waters of the state, and extreme weather events related to climate change. HB1209 will also direct MDE to educate communities about flood risk and provide local governments with assistance when adopting new flood plain ordinances.

Sea level rise, coastal storm surge, and intensified precipitation—all of which are central concerns on the Eastern Shore—have rendered local floodplain ordinances inadequate in planning and protecting against the flood hazards of today and tomorrow. **The Georgetown Climate Center's 2019 report "[HIGHER STANDARDS: Opportunities for Enhancing Flood Resilience in the Eastern Shore of Maryland](#)," strongly recommends changes in land-use policies and regulations, specifically the expansion of the floodplain, to address increasing flood risks from sea level rise.** Common on the Eastern Shore are poultry farms (Concentrated Animal Feeding Operations, or CAFOs), septic systems, and new development, which becomes sources of pollution in flood-prone areas. When development, infrastructure, and even fill material are placed in the floodplain without proper citing and design criteria, the ability of the floodplain to manage flood waters, protect water quality, and provide natural habitats is impaired.

Its vast costal landscape combined with land subsidence makes the Eastern Shore region extremely susceptible to impacts of sea level rise such as flooding, erosion, and deterioration of infrastructure. According to a 2020 [NOAA technical report](#), **Cambridge, Maryland experienced 5-8 high-tide flood days that year, whereas, NOAA scientists predict that in 2050 Cambridge will experience 40-150 days of high-tide flooding.** And as high tide flooding retreats it transports with it nutrient and sediment pollution from lawns, urban landscapes and even farm land. An analysis by a [biological oceanographer from Old Dominion University](#) of water samples collected in Norfolk, Virginia during a *King Tide* event showed that **"one morning of tidal flooding along the Lafayette River in Norfolk poured nearly the entire annual U.S. Environmental Protection Agency allocation of nitrogen runoff for the river — 1,941 pounds — into Chesapeake Bay."**

ShoreRivers supports this bill to update climate-focused floodplain ordinances that will increase protection of local rivers from pollution stemming from land and infrastructure inundated by sea level rise. We urge the committee to adopt a favorable report on HB1209.

Sincerely,

Matt Pluta, Choptank Riverkeeper on behalf of **ShoreRivers**

ShoreRivers

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper | Zack Kelleher Sassafras Riverkeeper

shorerivers.org | 443.385.0511 | info@shorerivers.org

Arundel Rivers Testimony FAV HB1209.pdf

Uploaded by: Matthew Johnston

Position: FAV



PO Box 760 Edgewater, MD
21037

410-224-3802
www.arundelrivers.org

Testimony encouraging **SUPPORT of House Bill 1209 – Climate-Ready Floodplain Act of 2023**

Environment and Transportation Committee
March 8, 2023

Dear Chairman Barve and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF HB1209**, on behalf of Arundel Rivers Federation. Arundel Rivers is a non-profit organization dedicated to the protection, preservation, and restoration of the South, West and Rhode Rivers with over 3,500 supporters. Our mission is to work with local communities to achieve clean, fishable, and swimmable waterways for present and future generations.

Communities, residents, and businesses across our watersheds and the entire State of Maryland have become far too familiar with 100-year and 500-year floods – terms that until recently were jargon used by planning departments and floodplain managers. The Federal Emergency Management Agency (FEMA) reports that there were 151 flooding events in Anne Arundel County between 1996 and 2019, and 1,961 such events across the State of Maryland during the same time period.¹ Each of these events did not meet the 100-year or 500-year flood thresholds, but each event, by definition, inundated properties with flood waters.

In recent years, the State of Maryland and its counties have taken significant strides to better understand our current and future flood risks. Unfortunately, those efforts have demonstrated flood risks outside of the standard FEMA flood maps. In 2021, the State published a Climate-Ready Action Boundary (CRAB) map that shows potential areas of inundation in larger events from riverine and coastal flooding.² In 2016, the Maryland State Highway Administration (SHA) published maps estimating flood risk to State roads. In Anne Arundel County, this assessment indicated that sea level rise would result in approximately 25 percent of roadways being inaccessible during a 100-year flood event in 2050.³

HB 1209 would require the Department to update its floodplain maps to include data such as the data used in these analyses. Further, it would require the Department to update the State Model

¹ Historical Flood Risks and Costs. FEMA. Available at: <https://www.fema.gov/data-visualization/historical-flood-risk-and-costs>.

² Coast Smart Climate-Ready Action Boundary (CRAB). Available at: <https://mdfloodmaps.net/crab/>.

³ Maryland Adaptation and Vulnerability Assessment. 2016. State Highway Administration.

Floodplain Ordinance with the latest and greatest floodplain management techniques to ensure that structures built or rebuilt in areas at risk of flooding are designed in such a way to eliminate or minimize flood damage.

These new maps and Model Floodplain Ordinance will substantially improve each community's flood-preparedness.

For all of these reasons, **Arundel Rivers urges a FAVORABLE report on HB1209.**

A handwritten signature in black ink that reads "Matt Johnston". The signature is written in a cursive, flowing style.

Sincerely,

Matt Johnston
Executive Director
Arundel Rivers Federation

HB1209_Slides_ArundelRivers_EandT_03082023.pdf

Uploaded by: Matthew Johnston

Position: FAV



Matt Johnston
Executive Director

**Testimony in SUPPORT of HB 1209 – Climate Ready
Floodplain Act of 2023**

Environment and Transportation Committee
March 8, 2023

CLIMATE

America underwater

Extreme floods expose the flaws in
FEMA's risk maps

By Samuel Oakford, John Muyskens,
Sarah Cahlan and Joyce Sohyun Lee

Dec. 6 at 11:59 a.m.

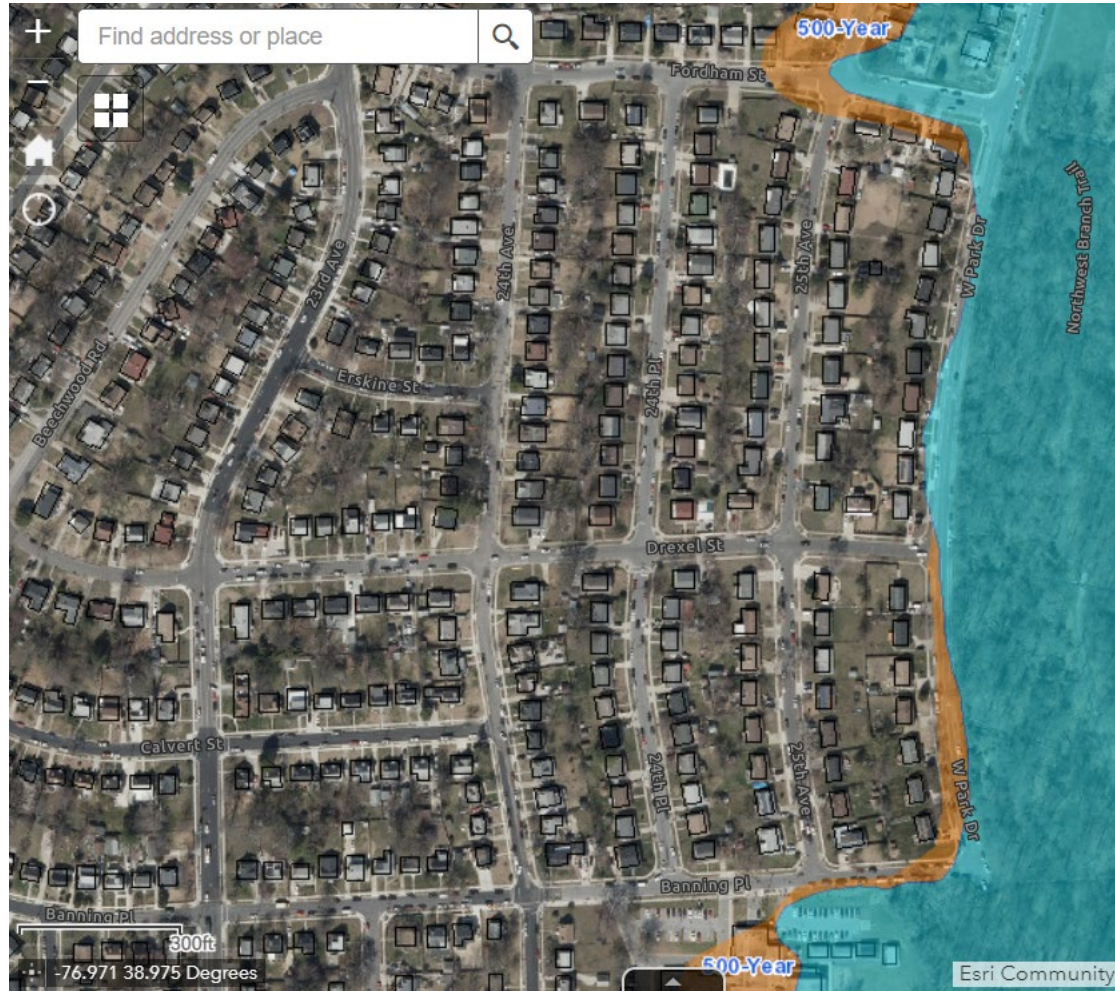
“A Washington Post investigation uncovered communities throughout the country where FEMA’s maps are failing to warn Americans about flood risk. As climate change accelerates, it is increasing types of flooding that the maps aren’t built to include.”

“FEMA officials have testified to Congress that over 40 percent of NFIP claims made in 2017 to 2019 were for properties outside official flood hazard zones, or in areas the agency had yet to map.”

“In addition to the maps being out of date, some decades-old in a changing climate, another problem is how the maps are built in the first place. They capture river and coastal flooding, not inundation caused by intense bursts of rainfall, known as pluvial flooding — a particularly dangerous problem in cities, where many porous surfaces have been paved over.”

Source: <https://www.washingtonpost.com/climate-environment/interactive/2022/fema-flood-risk-maps-failures/>

Lewisdale, Prince George's County



FEMA Floodplains



Coast Smart Climate Ready Action Boundary (CRAB)

Source: Coast Smart Climate Ready Action Boundary. Available at: <https://mdfloodmaps.net/crab/>

Salisbury, Wicomico County



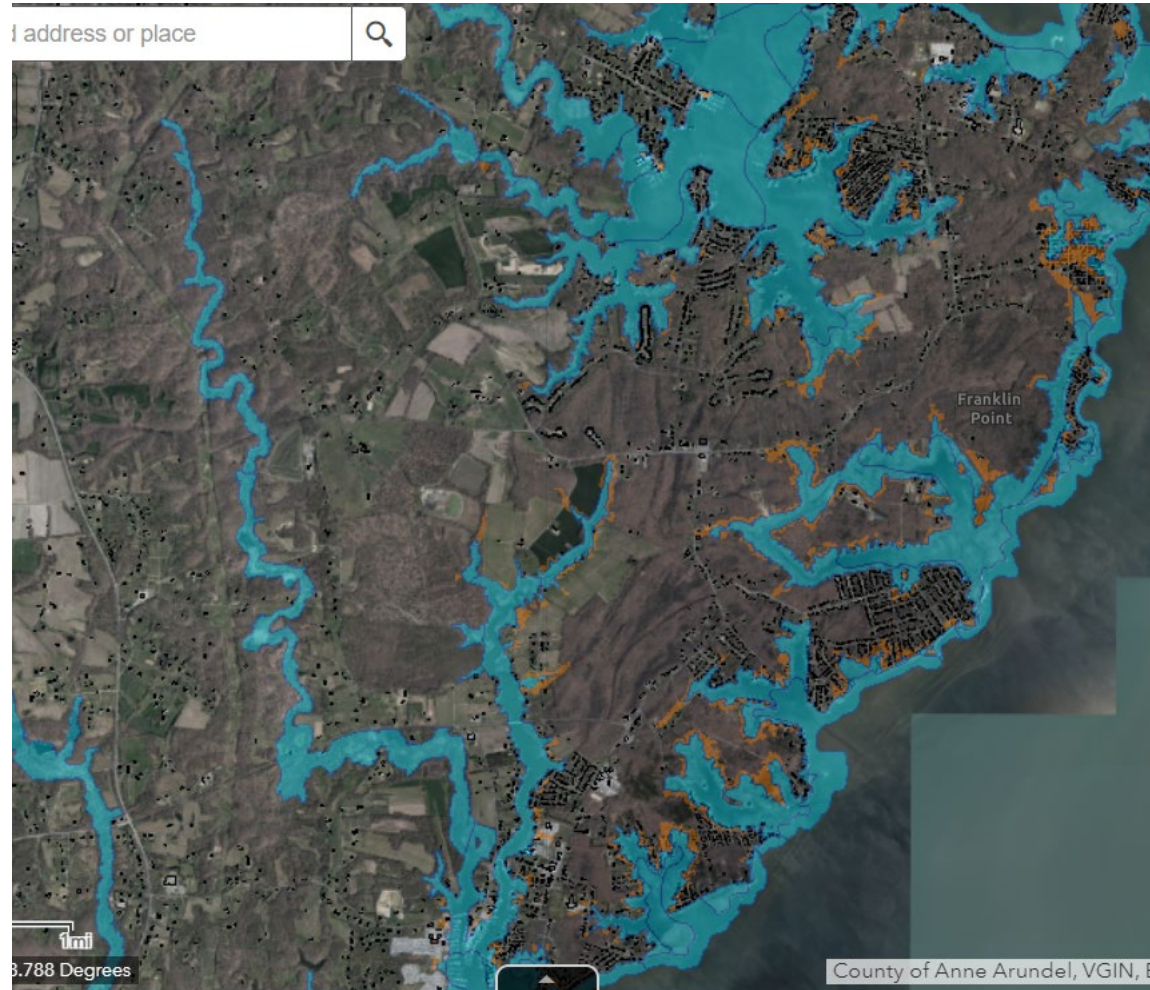
FEMA Floodplains



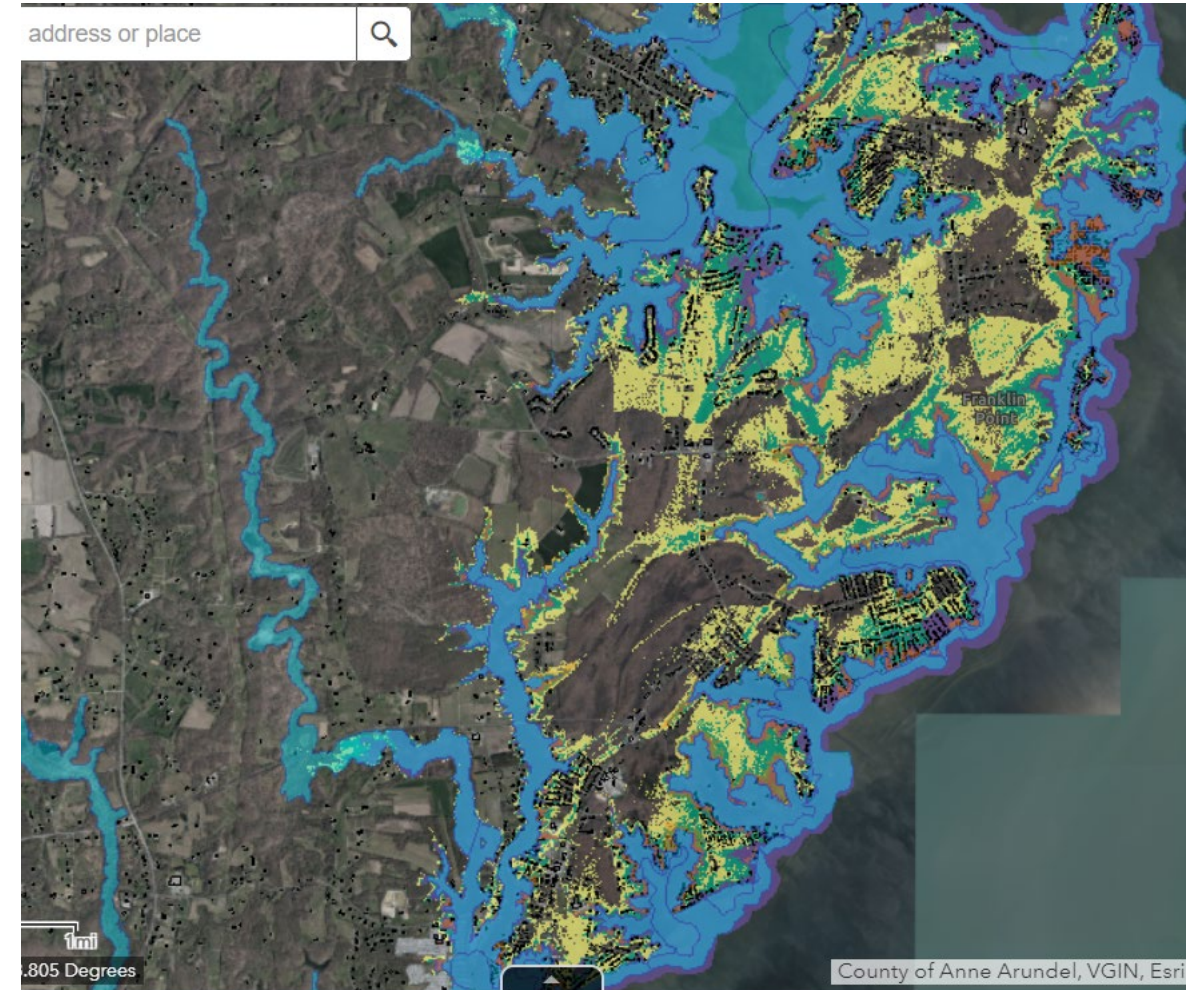
Coast Smart Climate Ready Action Boundary (CRAB)

Source: Coast Smart Climate Ready Action Boundary. Available at: <https://mdfloodmaps.net/crab/>

Shady Side, Anne Arundel County



FEMA Floodplains

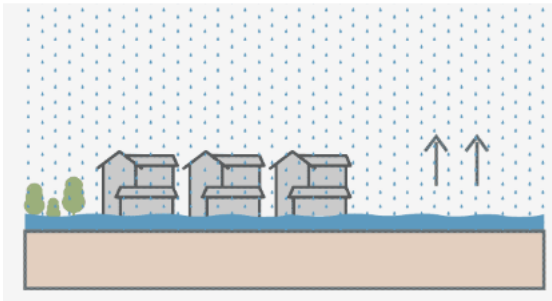


Coast Smart Climate Ready Action Boundary (CRAB)

Source: Coast Smart Climate Ready Action Boundary. Available at: <https://mdfloodmaps.net/crab/>

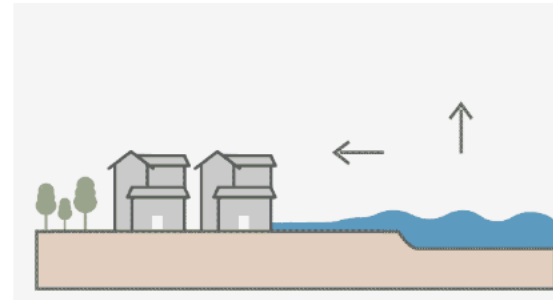
First Street Foundation Flood Inundation Models

Rainfall/Stormwater (Pluvial)



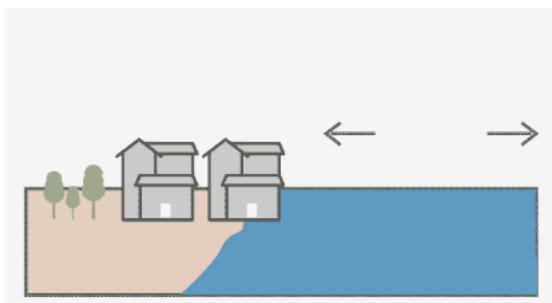
High intensity rainfall causes flooding when an area's sewage system and draining canals lack the necessary capacity to drain away the amount of rain that falls. Urban areas are particularly susceptible because there is little open soil that can store water.

Tidal



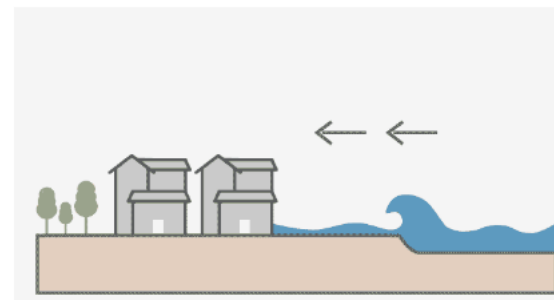
Tidal flooding, sometimes known as sunny day flooding, king tide flooding, or nuisance flooding, is the temporary flooding of low-lying areas near the coast. It usually occurs during exceptionally high tide events, like full and new moons, and some areas experience this flooding multiple times a year.

Riverine



Overbank flooding of rivers and streams happens when there is an increase of water volume in a river channel, causing it to spill onto and flood the adjacent floodplain. Ongoing riverine floods can intensify and become flash floods when heavy rainfall results in a rapid surge of rising flood waters.

Tidal



Storm surge refers to the rise of water generated by a storm, over and above predicted water levels. The more severe the hurricane or storm, the greater the storm surge, and the further water can travel. This flooding is often exacerbated by the rainfall that occurs along with the storm.

First Street Foundation Flood Inundation Models

County	Today	In 30 Years	Increase	Percent Increase	County	Today	In 30 Years	Increase	Percent Increase
Allegany	6,901	7,017	116	2%	Harford	2,723	2,930	207	8%
Anne Arundel	11,225	13,170	1,945	17%	Howard	3,229	3,361	132	4%
Baltimore	16,332	17,873	1,541	9%	Kent	1,324	1,576	252	19%
Baltimore City	9,594	10,500	906	9%	Montgomery	11,566	12,148	582	5%
Calvert	2,695	2,966	271	10%	Prince George's	15,819	16,631	812	5%
Caroline	1,294	1,413	119	9%	Queen Anne's	3,029	3,825	796	26%
Carroll	3,168	3,329	161	5%	Somerset	7,938	8,824	886	11%
Cecil	3,069	3,367	298	10%	St. Mary's	3,666	4,184	518	14%
Charles	4,025	4,249	224	6%	Talbot	2,351	3,160	809	34%
Dorchester	5,864	6,384	520	9%	Washington	5,572	5,806	234	4%
Frederick	6,499	6,705	206	3%	Wicomico	4,642	5,067	425	9%
Garrett	2,459	2,514	55	2%	Worcester	16,722	18,698	1,976	12%
						Today	In 30 Years	Increase	Percent Increase
					Statewide	151,706	165,697	13,991	9%

Source: First Street Foundation Flood Inundation Model. 2020. Published by Risk Factor.com. Available at: <https://riskfactor.com/methodology/flood>.

HB1209_PGCMA_FAV.pdf

Uploaded by: Therese Hessler

Position: FAV



Prince George's County Municipal Association
An Association Of 27 Municipalities



March 6, 2023

House Bill 1209 - Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023)

Environment & Transportation Committee

Position: SUPPORT

Dear Chairman Barve, Vice Chair Stein, & Members of the Committee:

The Prince George's County Municipal Association (PGCMA) writes to support House Bill 1209 - Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023.) PGCMA is the membership organization for the 27 municipalities of Prince George's County and offer opportunities for networking and leadership development, and act as the voice of our municipal leaders with the Prince George's County Council and County Executive and the Maryland General Assembly.

If passed, this legislation would require the Department of the Environment to publish a statewide flood risk assessment map projected to a certain year and educate the public on certain information on or before a certain date; requiring the Department to establish a certain model floodplain ordinance on or before a certain date; requiring certain units of local government to submit to the Department for review a certain proposed floodplain ordinance on or before a certain date; and generally relating to flood risk and floodplain ordinances.

House Bill 1209 is a crucial step towards strengthening stormwater climate resiliency and supporting flood infrastructure for greater community safety in Prince George's County. The publication of a statewide flood risk assessment map is critical for communities to identify and prepare for potential flood risks. Plus, the education of the public on relevant information and the establishment of a model floodplain ordinance will provide a standardized framework for local governments to adopt and implement going forward.

We believe this legislation will create important public safety, financial, and environmental benefits across the State, and respectfully request a favorable report on House Bill 1209.

Sincerely,

Melinda Mendoza, President
The Prince George's County Municipal Association (PGCMA)

For more information call or email:

Therese M. Hessler | 301-503-2576 | therese@ashlargr.com

HB1209-ET_MACo_SWA.pdf

Uploaded by: Dominic Butchko

Position: FWA



House Bill 1209

*Environment – Flood Control – Flood Risk Assessment and Model Ordinance
(Climate Ready Floodplain Act of 2023)*

MACo Position: **SUPPORT**

To: Environment and Transportation Committee

WITH AMENDMENTS

Date: March 8, 2023

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS HB 1209 WITH AMENDMENTS**. Amendments agreed to by MACo, MML, the sponsor, and the advocates place Maryland on a better path to address climate change-induced flooding. Amendments to HB 1209 serve to:

- 1) give Maryland the flexibility to revise and adopt more tailored flood plain maps; and
- 2) set out a more regular process for stakeholders and the Maryland Department of the Environment to review and publish statewide model floodplain ordinances.

One of the highest priorities for counties and the state is to prevent the needless destruction of life and property. As climate change worsens and sea level rise becomes more prevalent, it is important for policy makers to have reliable data and be ready to take nimble action. The amendments referenced above support both of these efforts while also recognizing local autonomy and counties' ability to better tailor policy to their unique jurisdictions.

Amendments to HB 1209 offer Maryland more flexibility, better data, and the ability to have a stakeholder-driven process around flood plain policy. Maryland must work to have the necessary tools in place so policy makers can more readily adjust to a changing environment. Accordingly, MACo requests a **FAVORABLE WITH AMENDMENTS** report on HB 1209.

MBIA Letter of Support with Amendments HB 1209.pdf

Uploaded by: Lori Graf

Position: FWA

March 8, 2023

The Honorable Kumar P. Barve
Environment & Transportation Committee
House Office Building, Room 251,
6 Bladen St., Annapolis, MD, 21401

RE: MBIA Letter of Support with Amendments HB 1209 Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023)

Dear Chairman Barve:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 1209 Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023)**. MBIA Supports the Act with amendments.

This bill requires the publication of a statewide flood risk assessment and creates new prohibitions for a floodplain ordinance. MBIA supports this measure with amendments. In order to adjust to changing environmental conditions this bill needs more flexibility to adjust to new research and circumstance. MBIA supports the following amendments that have been proposed.

- 1) Changing the language to require MDE to adopt a model floodplain ordinance by July 1, 2025 and an additional model ordinance every five years after this date. This establishes a non-prescriptive process and allows recurring updates.
- 2) Removing the requirement to create entirely new maps, MDE may not have the resources or information to do this immediately. The amended bill provides MDE the flexibility we think they need to accomplish a more robust use of environmental data.
- 3) The creation of a stakeholder workgroup allowing MDE to take into account stakeholder input as they consider new floodplain ordinances.
- 4) Creating language requiring MDE and the stakeholder workgroup to consider incorporating the provisions that are in the existing bill which allows the flexibility to adopt the proposed changes or not based on expert evaluation of the proposals.

In addition, MBIA proposes the addition of a Private Sector entity with engineering and construction experience. This will add experience and expertise to the stakeholder work group.

For these reasons, MBIA respectfully requests the Committee adopt the proposed amendment and give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

MBIA HB 1209 Proposed Amendments

(3) CONSULT WITH FLOOD MANAGEMENT EXPERTS FROM THE FOLLOWING GROUPS AND STAKEHOLDERS ABOUT PROPOSED UPDATES TO THE FLOOD RISK ASSESSMENT MAPS AND MODEL FLOODPLAIN ORDINANCE:

(VII) A PRIVATE SECTOR ENTITY WITH ENGINEERING AND CONSTRUCTION EXPERIENCE.

HB 1209 - Environment - Flood Control - Flood Risk

Uploaded by: Tom Ballentine

Position: FWA



March 6, 2023

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Favorable w Amendment – HB 1209 – Environment – Flood Control – Flood Risk Control and Model Floodplain Ordinance

Dear, Chair Barve and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate recommend your favorable with amendments report on HB 1209.

NAIOP members own buildings around the inner harbor, middle branch, around the port of Baltimore. They recognize that sea level rise and other factors are changing the landscape. Climate resiliency and mitigation are built into the everyday operation and future investment decisions of commercial real estate companies. Ensuring that construction and reconstruction of buildings in and adjacent to flood hazard areas adapts to changing flood hazards is a critical component of protecting public and private assets.

We believe that decisions about adaptation and resiliency should be made within the integrated federal, state and local floodplain management structure and implemented by local code administrators. NAIOP had been strongly opposed to prior year versions of bills on this subject because they were prescriptive and were not implemented through the established regulatory framework.

We have opposed prior year bills on this subject and have concerns about the bill as introduced. However, we have seen what we believe to be consensus amendments to the bill and can support HB 1209 with amendments.

We do request that a private sector engineering professional be added to the working group formed by the bill.

(3) CONSULT WITH FLOOD MANAGEMENT EXPERTS FROM THE FOLLOWING GROUPS AND STAKEHOLDERS ABOUT PROPOSED UPDATES TO THE FLOOD RISK ASSESSMENT MAPS AND MODEL FLOODPLAIN ORDINANCE:

(VII) A PRIVATE SECTOR ENTITY WITH ENGINEERING AND CONSTRUCTION EXPERIENCE.

NAIOP respectfully requests your favorable with amendments report on HB 1134.

Sincerely,

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters - *The Association for Commercial Real Estate*

cc: Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.

HB1209 FWA.docx.pdf

Uploaded by: Tyler Abbott

Position: FWA



The Maryland Department of the Environment
Secretary Serena McIlwain

House Bill 1209

Environment – Flood Control – Flood Risk Assessment and Model Ordinance
(Climate Ready Floodplain Act of 2023)

Position: SUPPORT WITH AMENDMENTS
Committee: Environment and Transportation
Date: March 8, 2023
From: Gabrielle Leach

The Maryland Department of the Environment (MDE or the Department) **SUPPORTS WITH AMENDMENTS** House Bill 1209. The bill would require the Department to develop and carry out a long range program for controlling flood waters in the state, assist local jurisdictions in controlling these flood waters, and exercise regulatory control over them for waters of the State.

There are approximately 9,000 stream miles in Maryland with a drainage area greater than 30 acres that can generate stream flows large enough to cause flooding. Only a small percentage are currently covered in Maryland's flood risk maps. This is because Maryland's flood risk maps are developed for insurance purposes to meet the requirements of FEMA's National Flood Insurance Program (NFIP). FEMA's flood risk maps are for streams with a drainage area greater than 640 acres and are based on precipitation data and land cover that exists at the time the map is created. These maps do not incorporate future climate change projections or assumptions on future land use change. As a condition to qualify for federally backed flood insurance, local jurisdictions, and the State are required to adopt floodplain ordinances that meet FEMA's NFIP requirements and implement a floodplain management program to restrict construction in the FEMA floodplain. There are an estimated 54,000 buildings located in the FEMA floodplain. MDE predicts this number will increase by 69% as climate change impacts rainfall patterns, sea level rise, and coastal flooding.

House Bill 1209, as originally drafted, would require MDE to create and publish a new statewide flood risk assessment map projected to 2050 that shows areas with a 0.2 % chance of flooding (which corresponds to the 500 year floodplain) or a 1% chance of flooding (which corresponds to the 100 year floodplain) and that includes projections in feet of how high the water level may rise in those areas, educate the public about the map, establish a new model floodplain ordinance, and review, approve and require revisions, as needed, to proposed floodplain ordinances from every unit of local government with planning and zoning authority in the State.

As introduced, the bill's floodplain management provisions are not consistent with FEMA's NFIP requirements. The bill has the potential to conflict with the NFIP, especially to the extent that the bill's model floodplain ordinance is meant to replace the one used for purposes of the NFIP. MDE has indicated that FEMA encourages higher standards, but if contained in a floodplain ordinance tied to the FEMA map, FEMA will require that the higher standard be enforced or the community risks suspension from the NFIP.

MDE already has a model floodplain ordinance written for communities to adopt to qualify for the NFIP. The current ordinance incorporates the minimum requirements under the NFIP, including floodplain management criteria for flood-prone areas and requirements for variances and exceptions. This bill appears to replace that ordinance with one that must meet both differing and more stringent requirements from the NFIP ones.

The bill requires certain local governments of the State to submit to MDE a proposed floodplain ordinance meeting the requirements of the bill but does not require the local government to adopt the proposed ordinance or any revisions that MDE may require. The bill does not include any authority to enforce these requirements, so there is no apparent consequence for the local government if it does not submit the ordinance.

The bill requires MDE to update and extend Maryland's flood risk maps by 2025. This effort, while an important part of fully understanding current and future flood risk, will require extensive financial and personnel resources and is likely not achievable.

Currently, not all local governments have a FEMA mapped floodplain within their jurisdiction. The bill will impact these jurisdictions significantly as they would currently have no staff or processes in place to review permits for this purpose. There are potentially many local governments that would be required to submit a proposed ordinance, but the bill only gives MDE two months to review and approve or require revisions on all of them.

Amendments

The Department has worked with the sponsor and advocates on amendments that would strike the current bill provisions and instead require MDE to:

- Review and consider updates to the model floodplain ordinance every five years;
- Review available flood assistance maps that incorporate climate change and weather data beyond the FEMA maps;
- Consult with specified stakeholders as part of the review process
- Consider specified provisions for inclusion in the model floodplain ordinance; and
- Review and consider updates to MDE's outreach and education process.

For the reasons detailed above, MDE urges a **FAVORABLE WITH AMENDMENTS** report for HB 1209.

HB1209_QAC Letter_Opposition.pdf

Uploaded by: Amy Moredock

Position: UNF



Queen Anne's County

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

The Liberty Building
107 North Liberty Street
Centreville, MD 21617

e-mail: QACCommissioners&Administrator@gac.org

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
J. Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

County Administrator: *Todd R. Mohn, PE*
Executive Assistant to County Commissioners: *Margie A. Houck*
County Attorney: *Patrick Thompson, Esquire*

7 March 2023

The Honorable Delegate Kumar P. Barve, Chairman
Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Re: **HB 1209 – Environment Flood Control – Flood Risk Assessment and Model Ordinance** **OPPOSITION**

Dear Delegate Barve,

I would first like to express my compliments on the proactive nature of HB1209. Addressing the impacts of climate change is a key focus of the Queen Anne's County Comprehensive Plan, as well as many of the County's policy documents. The County has long been contemplative of planning and preparing for environmental, economic, and social impacts of climate changes in our community.

It is because of the County's support of implementing appropriate and well-informed regulations and practices that will best protect our community from the impacts of sea level rise, storm surge, extreme precipitation, increased temperature, and nuisance flooding that I must express Queen Anne's County's opposition to HB1209. Proceeding with an evolution of the 2014 Coast Smart legislation to include private properties and to overall standing floodplain management regulations without extensive State, Federal, and local input will ultimately harm local efforts to plan for climate change. While we understand that there may be amendments to this bill, Queen Anne's County would like to express its concerns with many aspects of the proposal.

There are fundamental shifts in the applicability of the initial Coast Smart law that call for closer scrutiny before these more restrictive provisions find a home in local government Floodplain Ordinances. The cause of concern at the local levels is specific to a few key points. Most important, prohibiting new construction of any building located within an area that a 1% chance of flooding (by 2050), is an enormous change to the local floodplain ordinances with far reaching consequences to citizens. Such a proposal must be based in very sound science and study and then publicly vetted. Nestling such a proposal within this bill is concerning. Relative to this proposal, there are other prohibitions outlined in this bill which, likewise, must be quantified and vetted.

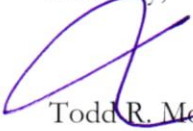
Also of concern are several proposed requirements to both State and local provisions which are already in place in standing codes, policy documents (model ordinance, hazard mitigation plans), and public resources (CRAB, DFIRM, Sea Level Rise Vulnerability models). Such language will cause confusion and inconsistencies within local and State provisions.

Queen Anne's County strongly suggests and encourages that, if the outcome of changing Maryland Department of the Environment (MDE), Federal Emergency Management Agency (FEMA), Maryland Department of Emergency Management (MDEM), and local government implementation of Coast Smart initiatives is a top

legislative priority, a subcommittee be formed such as the Coast Smart Council to ensure that these initiatives are explored in light of existing resources, provisions, and capabilities.

We feel that a council of this composition would be in the best position to inform future legislation relating to the implementation of climate change initiatives. Not only is public vetting a key priority, but also managing these impacts within the appropriate regulatory framework is an essential priority. As drafted, HB1209 does not provide an appropriate framework to implement the County's many climate resiliency plans and policy documents.

Sincerely,



Todd R. Mohn, PE
County Administrator

CC: Delegate Mary A. Lehman, District 21
Delegate Steven J. Arentz, District 36

HB 1209 -UNF-MML.pdf

Uploaded by: Angelica Bailey Thupari

Position: UNF



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

March 8, 2023

Committee: Environment & Transportation

Bill: HB 1209 – Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023)

Position: ___ Oppose

Reason for Position:

The Maryland Municipal League opposes HB 1209, which is well-intentioned but creates significant challenges as drafted. This measure requires state and local governments to use the latest available data and modeling techniques to assess flood risks in their jurisdictions, and incorporate this information into their land use planning and zoning decisions. This bill also requires local governments to adopt a model floodplain management regulation.

These requirements interfere with local zoning authority, which City and Town Planning and Zoning departments have historically exercised to oversee growth and development within their municipal limits. This authority is granted in part because local government officials are closest to their communities and are most familiar with the needs of their residents. These departments take their responsibility seriously, with regular and intensive comprehensive zoning analysis and planning on a ten-year cycle with a five-year interim “check-up”. Not only would this new requirement contradict local zoning authority, but requiring cities and towns to comply with the “latest available data” could present financial and logistical challenges, especially for our smaller members.

Our local leaders recognize that severe weather events have caused significant flooding around the State in recent years. However, these new proposals could be onerous and prohibitively expensive to comply with. For these reasons, the League respectfully requests that this committee provide HB 1209 with an unfavorable report.

FOR MORE INFORMATION CONTACT:

Theresa Kuhns	Chief Executive Officer
Angelica Bailey Thupari, Esq.	Director, Advocacy & Public Affairs
Bill Jorch	Director, Public Policy
Justin Fiore	Manager, Government Relations

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | www.mdmunicipal.org

HB 1209 - Flood Control - UNF - REALTORS.pdf

Uploaded by: Lisa May

Position: UNF



House Bill 1209 – Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023)

Position: Oppose

Maryland REALTORS® opposes HB 1209, which seeks to establish a statewide flood mapping tool and a statewide floodplain development ordinance by 2025.

While REALTORS® take no issue with the flood mapping tool to provide additional information to consumers, we do have serious concerns about the model floodplain ordinance's impacts on future housing development.

Maryland currently faces a shortage of nearly 120,000 housing units and growing. This shortage now impacts not just low-income residents, but also those of moderate incomes, young professionals, seniors, and working families. It encompasses not only what has been traditionally considered as "affordable housing" but also "missing middle" housing types.

By prohibiting the construction of any building in an area where there is projected to be a 1% chance of flooding, no matter what flood prevention construction techniques are used, we will severely restrict areas where housing for residents could be added. Further, this bill restricts projects of over an acre which increase the likelihood of flooding without indicating an acceptable percentage increase. This would rule out housing that is merely projected to increase the likelihood of flooding by a small fraction of a percent.

Finally, the retrofit requirements in the bill could severely restrict the ability of homeowners to repair properties which are now included within a floodplain. The costs to raise the ground level of the property can be significant. Property owners may not qualify for financing those additional costs, preventing them from restoring damage that had occurred. As of now, no estimate has been given on the number of properties this may impact in Maryland or the additional costs imposed by this bill.

Maryland must balance the needs for environmental protection against the present and future housing needs of our residents. HB 1209 places too high a burden on the latter. Due to these impacts, REALTORS® recommend an unfavorable report.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

HB1209_MAFSM Comment Letter.pdf

Uploaded by: Amy G. Moredock

Position: INFO

6 March 2023

The Honorable Delegate Kumar P. Barve, Chairman
Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

**Re: HB 1209 – Environment Flood Control – Flood Risk Assessment and Model Ordinance
INFORMATIONAL ONLY**

Dear Delegate Barve,

While we laud the intention to be proactive that this bill's sponsors have displayed and especially thank Delegate Lehman for reaching out to agency experts, such as my colleagues at the Maryland Association of Floodplain and Stormwater Managers (MAFSM), we have concerns about HB1209. Having reviewed the bill and discussed its content and ramifications among our Board, we offer the following informational and technical comments.

Our key concerns with HB1209 relate to the convolution of existing regulatory processes and defined terms with those proposed by the infusion of Coast Smart policies into floodplain regulation. Maryland Department of the Environment (MDE) issues Model Floodplain Management Ordinances to provide guidance for communities to meet all State and Federal regulations. The Model Floodplain Management Ordinance contains recommendations for improved management of floodplains and has been adopted widely by communities participating in the National Flood Insurance Program (NFIP). It was most recently updated in 2018. This Model Floodplain Management Ordinance was prepared by MDE in response to the requirement that local jurisdictions adopt regulations that are fully compliant with the requirements of the NFIP. For most communities, the requirement to update regulations is triggered by revisions to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs) and associated Flood Insurance Study (FIS) which are locally adopted.

Both FEMA and Maryland Department of Emergency Management (MDEM) mandate adoption of flood maps in accordance with compliance requirements with NFIP and the resulting FIRMs and FISs. Additionally, FEMA and MDEM guide MDE in the drafting of Model Floodplain Management Ordinance. While the adoption of FIRMs is a Federal and State mandate, the adoption of the Floodplain Management Model Ordinance is not. That document is meant to assist local jurisdictions to meet the requirements. Jurisdictions must enact the minimum standards but most adopt a higher regulatory standard specific to their region.

In short, updating a local jurisdiction floodplain ordinance is a process that has already been established and is being followed with oversight by MDE, MDEM, and FEMA. Relative to this point, there are many provisions within HB1209 which are unnecessarily proposed as they are already called out within those mandated minimum standards. Examples include standards for existing structures located within the floodplain, disposal of fill and other materials, engineering requirements that regulate the impact of development on adjacent properties, and a framework for updating codes and maps. Some of the language in the bill is vague or unclear as to the intent or the practical application of the proposed standards.

Additionally, there are provisions being proposed which would prohibit construction and development over time. Blanket regulations of this manner do not take into consideration the diversity of Maryland's communities and geography. MAFSM's representation is comprehensive and representative of mountainous, coastal, rural, and urban communities. Our membership reaches from large, urban population centers to small, historic

waterfront communities—Eastern to Western Shore. The prohibition on new construction within any area that has, by 2050, a 1% annual chance of flooding would completely prohibit some communities, such as Crisfield, from having any new development. Using Crisfield as an example: the entire city is currently located within the 1% flood zone. This is also incredibly concerning from a community development and revitalization perspective; for some of these communities, the areas face economic challenges and new development would present an opportunity to boost the local economy and serve as a catalyst for community revitalization. Prohibiting new development could potentially cripple these local economies.

Crisfield is one of countless communities with historic growth patterns dependent upon proximity to the waters of the State. There has been an enormous investment of State and Federal dollars in previous recovery and redevelopment efforts in areas such as these. New development should at a minimum be built in accordance with the floodplain regulations, which would provide an increased level of protection to the structures while still providing a pathway for these communities to permit new construction in a manner that is informed by risk.

MAFSM acknowledges the significance of the 2014 Coast Smart legislation. Expanding Coast Smart criteria to private property by 2050 represents an enormous change to the local floodplain ordinances with far reaching consequences to citizens. Such a proposal must be based in very sound science and study and then publicly vetted. Nestling such a proposal within this bill is concerning.

MAFSM strongly encourages that a subcommittee be formed to ensure that these initiatives are explored in light of existing resources, provisions, and capabilities. In 2014, the Coast Smart Council was formed and included: DNR, MDE, MDEM, Department of General Services, MDOT, Department of Planning, Critical Area Commission, UMCES, State Treasurer, Local Government representatives, public and nonprofit group representatives, and others. It seems appropriate to pull FEMA into this group and likely other federal partners and to reconvene the Council. MAFSM would be honored to participate in this effort.

While MAFSM understands that there has been a draft amendment proposed for HB1209, we found it important to express our concerns and offer input on bill as initially drafted. We greatly appreciate your consideration and this opportunity to provide both comments and suggestions.

Sincerely,



Amy G. Moredock, CFM
Chair

CC: Delegate Mary A. Lehman, District 21