

HOUSE BILL 449

M3
HB 892/23 – ENT & APP

4lr1387
CF SB 148

By: **Delegates Ivey, Acevero, Fennell, Kaufman, McCaskill, Pasteur, Ruth, and Turner**

Introduced and read first time: January 22, 2024

Assigned to: Environment and Transportation and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2024

CHAPTER _____

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 5–803(h)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2023 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 5–803.

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.



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

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

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

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

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

18 2. Is not inconsistent with any State or interjurisdictional
19 flood management plan.

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

22 1. Adopt a specific and compatible response plan which has
23 been coordinated with local emergency management authorities and reviewed and
24 approved by the Department and the Maryland Department of Emergency Management;
25 and

26 2. Provide for financial and other commitments to properly
27 operate and maintain the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (8) (i) [The] **FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR**
11 **THEREAFTER, THE** Governor ~~shall~~ **MAY** include in the annual State budget an
12 appropriation for the comprehensive flood management grant program of ~~at least~~]:

13 1. For fiscal year 2021, \$3,000,000;

14 2. For fiscal year 2022, \$3,000,000; and

15 3. For fiscal year 2023, \$2,000,000] **UP TO \$20,000,000.**

16 (ii) ~~IN~~ **FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR**
17 **THEREAFTER, AT LEAST 40% OF FUNDING PROVIDED UNDER THE COMPREHENSIVE**
18 **FLOOD MANAGEMENT GRANT PROGRAM SHALL BE USED FOR PROJECTS LOCATED IN**
19 **OR DIRECTLY BENEFITING UNDERSERVED OR OVERBURDENED COMMUNITIES, AS**
20 **DEFINED IN § 1-701 OF THIS ARTICLE.**

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

23 1. Shall remain in the program; and

24 2. Are not subject to § 7-302 of the State Finance and
25 Procurement Article.

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

28 (ii) These regulations may include:

29 1. A determination of statewide and interjurisdictional needs
30 and priorities;

31 2. Standards of eligibility for applicants and projects;

- 1 3. Criteria for recognition of tidal and nontidal areas;
2 4. Engineering and economic standards and alternatives;
3 and
4 5. Procedures for filing and processing contents of
5 applications.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.