

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1300

(Delegate Hartman, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Beach Erosion Control District - State- and City-Owned Structures

This bill exempts the repair, renovation, reconstruction, or limited expansion of specified structures in the Beach Erosion Control District from a prohibition against land clearing, construction activity, or the construction or placement of permanent structures, subject to certain requirements and limitations. The bill also repeals an existing exemption from that same prohibition, for specified widening of the boardwalk in Ocean City. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: The bill does not materially affect State finances, as discussed below.

Local Effect: The bill does not materially affect local government finances, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill exempts the repair, renovation, reconstruction, or expansion of an existing structure owned by the State, or the Mayor and City Council of Ocean City from an existing prohibition against land clearing, construction activity, or the construction or placement of permanent structures within the Beach Erosion Control District, provided the project does not result in any significant permanent environmental damage to the district, as determined by the Department of Natural Resources (DNR).

A reconstruction or expansion project carried out under the exemption must comply with specified siting and design criteria and must be approved by the Mayor and City Council of Ocean City. In addition, a project may not (1) result in any increase in height above the existing structure or (2) extend beyond any existing duly recorded property or franchise boundary. If no recorded property or franchise boundary exists for a reconstruction or expansion project carried out under the exemption, the project (1) may only bring the existing structure into compliance with the federal Americans with Disabilities Act or Town of Ocean City fire prevention standards and (2) may not increase the above-grade footprint of the existing structure in a northerly or southerly direction.

The bill also repeals an existing exemption from the prohibition against land clearing, construction activity, or the construction or placement of permanent structures within the Beach Erosion Control District, for the widening of the boardwalk in Ocean City up to an additional 40 feet to the east between South Second Street and the south side of Worcester Street and from the south side of Somerset Street to the southerly terminus of the steel and concrete bulkhead at 4th Street, and an additional 80 feet to the east between the south side of Worcester Street and the south side of Somerset Street to include associated appurtenances and construction of one restroom facility in an easterly direction between South Second Street and the southerly terminus of the steel and concrete bulkhead at 4th Street for the purpose of public health, safety, and welfare.

Current Law:

Beach Erosion Control District

Subject to exemptions established in statute, any land clearing, construction activity, or the construction or placement of permanent structures within the Beach Erosion Control District is prohibited, for the purposes of maintaining the Atlantic Coast beaches of the State and the Beach Erosion Control District, the integrity and continuity of the dunal system and assuring adequate maintenance of the beaches, Beach Erosion Control District, and dunal system, to provide for shore erosion and sediment control and storm protection, and to minimize structural interference with the littoral drift of sand and any anchoring vegetation.

The Beach Erosion Control District is defined in statute as the land bordered on the north by the Maryland-Delaware boundary line, on the east by the waters of the Atlantic Ocean, on the south by the Maryland-Virginia boundary line, and on the west (1) by a line that coincides, more or less, with the crest of the existing natural dune on Assateague Island and (2) in Ocean City, by the State-Ocean City building limit line established in DNR regulations.

Specified exemptions from the prohibition are established in statute for (1) storm control; (2) beach erosion and sediment control; (3) maintenance projects designed to benefit the Beach Erosion Control District; (4) Ocean City boardwalk widening; (5) a sewage pipeline, subject to environmental and other criteria; and (6) under the Maryland Offshore Wind Energy Act of 2013, construction and installation of a qualified submerged renewable energy line if the project does not result in any significant permanent environmental damage to the Beach Erosion Control District.

Siting and Design Criteria (Referenced in the Bill)

Pursuant to changes made under Chapters 628 and 629 of 2018 and Chapter 442 of 2019, beginning July 1, 2020, if a State or local capital project includes the construction of a structure or highway facility, or the reconstruction of a structure with substantial damage, the structure or highway facility must be constructed/reconstructed in compliance with specified Coast Smart siting and design criteria. That requirement applies to State and local capital projects for which at least 50% of the project costs are funded with State funds and does not apply to a capital project that costs less than \$500,000.

State/Local Fiscal Effect: The bill allows for certain projects, and associated spending, to occur in the Beach Erosion Control District, but does not create the need for, or require, the spending; therefore, the bill is considered to not materially affect State or local government finances.

The bill's repeal of the existing exemption for specified widening of the boardwalk in Ocean City is not expected to have a fiscal impact.

Small Business Effect: The bill may meaningfully benefit a given small business, if it provides materials or services associated with an allowed project or otherwise benefits from a project.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Town of Ocean City; Worcester County; Maryland Department of the Environment; Department of General Services; Department of Natural Resources; Maryland Department of Planning; Board of Public Works; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2022
rh/lgc Third Reader - March 21, 2022
Enrolled - May 6, 2022
Revised - Amendment(s) - May 6, 2022

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510