

HOUSE BILL 892

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3lr2971
CF SB 813

By: **Delegate Ivey**

Introduced and read first time: February 9, 2023

Assigned to: Environment and Transportation and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Comprehensive Flood Management Grant Program – Funding**
3 **for 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 benefitting census tracts with a certain EJ Score; requiring the Governor to
7 include in the annual State budget an appropriation for the comprehensive flood
8 management grant program of a certain amount in certain fiscal years; and generally
9 relating to the comprehensive flood management grant program.

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 1–101(a), (e), and (j)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 5–803(h)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2022 Supplement)

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

22 **Article – Environment**

23 1–101.

24 (a) In this article the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "EJ Score" means an overall evaluation of an area's environment and existing
2 environmental justice indicators, as defined by the Department in regulation, including:

- 3 (1) Pollution burden exposure;
- 4 (2) Pollution burden environmental effects;
- 5 (3) Sensitive populations; and
- 6 (4) Socioeconomic factors.

7 (j) "Maryland EJ tool" means a publicly available State mapping tool that allows
8 users to:

- 9 (1) Explore layers of environmental justice concern;
- 10 (2) Determine an overall EJ Score for census tracts in the State; and
- 11 (3) View additional context layers relevant to an area.

12 5–803.

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

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

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

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

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

30 2. Is not inconsistent with any State or interjurisdictional
31 flood management plan.

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

3 1. Adopt a specific and compatible response plan which has
4 been coordinated with local emergency management authorities and reviewed and
5 approved by the Department and the Maryland Department of Emergency Management;
6 and

7 2. Provide for financial and other commitments to properly
8 operate and maintain the project.

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

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

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

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

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

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

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

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

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

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

1 (ii) IN EACH FISCAL YEAR, AT LEAST 40% OF FUNDING
2 PROVIDED UNDER THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM
3 SHALL BE USED FOR PROJECTS LOCATED IN OR DIRECTLY BENEFITING CENSUS
4 TRACTS WITH AN EJ SCORE OF .76 OR GREATER, AS IDENTIFIED USING THE
5 MARYLAND EJ TOOL.

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

- 8 1. Shall remain in the program; and
9 2. Are not subject to § 7-302 of the State Finance and
10 Procurement Article.

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

- 13 (ii) These regulations may include:
14 1. A determination of statewide and interjurisdictional needs
15 and priorities;
16 2. Standards of eligibility for applicants and projects;
17 3. Criteria for recognition of tidal and nontidal areas;
18 4. Engineering and economic standards and alternatives;
19 and
20 5. Procedures for filing and processing contents of
21 applications.

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