

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

A BILL ENTITLED

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 the Governor to include in the annual State budget an appropriation for
8 the comprehensive flood management grant program of at least a certain amount in
9 certain fiscal years; and generally relating to the comprehensive flood management
10 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.

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

22 (2) (i) Subject to the approval of the Board of Public Works, the
23 Department may use proceeds from the State debt created to fund the comprehensive flood

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 management grant program to pay the entire cost of watershed studies pursuant to
2 subsection (b) of this section.

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

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

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

14 2. Is not inconsistent with any State or interjurisdictional
15 flood management plan.

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

18 1. Adopt a specific and compatible response plan which has
19 been coordinated with local emergency management authorities and reviewed and
20 approved by the Department and the Maryland Department of Emergency Management;
21 and

22 2. Provide for financial and other commitments to properly
23 operate and maintain the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11 1. For fiscal year 2021, \$3,000,000;
- 12 2. For fiscal year 2022, \$3,000,000; and
- 13 3. For fiscal year 2023, \$2,000,000] **\$20,000,000.**

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

19 (iii) Funds not awarded from the comprehensive flood management
20 grant program by the end of a fiscal year:

- 21 1. Shall remain in the program; and
- 22 2. Are not subject to § 7-302 of the State Finance and
23 Procurement Article.

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

26 (ii) These regulations may include:

- 27 1. A determination of statewide and interjurisdictional needs
28 and priorities;
- 29 2. Standards of eligibility for applicants and projects;
- 30 3. Criteria for recognition of tidal and nontidal areas;

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

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