

# HOUSE BILL 257

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(PRE-FILED)

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CF 6lr0065

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By: **Chair, Environment and Transportation Committee (By Request –  
Departmental – Environment)**

Requested: October 30, 2025

Introduced and read first time: January 14, 2026

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Flood-Related Watershed Studies and Comprehensive Flood**  
3 **Management Grant Program**

4 FOR the purpose of requiring, by a certain date and with a certain frequency thereafter  
5 and after consultation with certain subdivisions and State agencies, the Department  
6 of the Environment to designate priority watersheds in a certain manner for the  
7 purpose of requiring subdivisions to conduct flood-related watershed studies;  
8 requiring a subdivision that contains a designated priority watershed to conduct a  
9 flood-related watershed study in a certain manner and submit the study to the  
10 Department for review and approval; clarifying the authority of the Department to  
11 use the comprehensive flood management program to provide grants to subdivisions  
12 to assist with completion of flood-related watershed studies; altering and specifying  
13 certain limits on grant amounts that may be awarded by the Department from the  
14 comprehensive flood management grant program; and generally relating to  
15 flood-related watershed studies and the comprehensive flood management grant  
16 program.

17 BY repealing and reenacting, with amendments,  
18 Article – Environment  
19 Section 5–801 through 5–803  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2025 Supplement)

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

24 **Article – Environment**

25 5–801.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this subtitle the following terms have the meanings indicated.

(b) “Area of nontidal inundation” means an area within the State [which] **THAT** is subject to inundation caused predominately by accumulated surface runoff or excess rainfall runoff, or both.

(c) “Area of tidal inundation” means an area within the State [which] **THAT** is subject to inundation caused predominately by tides or wind-driven waters, or both.

(d) “Department” means the Department of the Environment.

(e) “Federal flood insurance program” means the program established by the National Flood Insurance Act of 1968, as amended.

(f) “Flood hazard area” means an area of tidal or nontidal inundation resulting from a 100-year flood event and established [pursuant to the provisions of] **IN ACCORDANCE WITH § 5–803** of this subtitle.

(g) “100-year flood event” or “100-year flood” means a flood that has a 1% chance of being equalled or exceeded in any given year.

(h) “Secretary” means the Secretary of the Environment.

(i) “Subdivision” means:

(1) Any county, including Baltimore City; and

(2) Any incorporated municipality [which] **THAT** has the authority to adopt and enforce land use and control measures for the areas within its jurisdiction.  
5–802.

(a) The General Assembly finds and declares that:

(1) Recurrent flooding [of a portion] of the State’s land resources [causes] **CAN CAUSE** loss of life, damage to property, disruption of commerce and governmental services, and unsanitary conditions, all of which are detrimental to the health, safety, welfare, and property of the occupants of flood hazard areas of the State;

(2) Considerable public costs are incurred through the emergency preparedness program and by replacing public utilities and other public capital investments destroyed or damaged by floods;

(3) Flood waters disregard jurisdictional boundaries; and

(4) The public interest necessitates management of waters and flood hazard areas for the objectives of preventing and alleviating flood threats to life and health, reducing private and public economic losses, and to the extent possible, preserving the biological values associated with these land and water resources.

(b) The policy and purposes of this subtitle are:

(1) To assist in the guidance of development to minimize the impacts of flooding, **INCLUDING MANAGING STORMWATER AND PROTECTING WATER QUALITY;**

(2) To provide State guidelines and technical assistance to [local governments] **SUBDIVISIONS** in **THE DEVELOPMENT OF FLOOD-RELATED WATERSHED STUDIES AND** management of flood hazard areas;

(3) To provide for comprehensive watershed **AND FLOOD** management;

(4) To facilitate **THE** implementation of projects for flood [control] **MANAGEMENT;**

(5) To encourage and provide for [local governmental units] **SUBDIVISIONS** to manage flood-prone lands in a comprehensive manner;

(6) To provide for the biological and environmental quality of the watersheds of the State; and

(7) To establish a grant program to assist [local jurisdictions] **SUBDIVISIONS** with:

(i) **COMPLETION OF FLOOD-RELATED WATERSHED STUDIES IN ACCORDANCE WITH § 5-803 OF THIS SUBTITLE;**

(ii) **(II)** Implementation of those capital projects included [within the comprehensive] **IN COMPREHENSIVE** flood management plans [which] **THAT** are adopted and approved in accordance with this subtitle; and

[(ii)] **(III)** Infrastructure repairs, watershed restoration, and emergency protection work associated with a flood event.

5-803.

(a) **(1)** By January 1, [1982] **2028, AND EVERY 5 YEARS THEREAFTER,** the Department, after consultation with and consideration of recommendations submitted by subdivisions [and], the Department of Agriculture, **THE DEPARTMENT OF NATURAL RESOURCES, THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT,** and the Department of Planning, shall designate [a priority list of watersheds] **PRIORITY**

1 **WATERSHEDS** for the purpose of [flood control planning and management and establish a  
2 schedule for completion of these studies of these watersheds] **REQUIRING SUBDIVISIONS**  
3 **TO CONDUCT FLOOD-RELATED WATERSHED STUDIES IN ACCORDANCE WITH THIS**  
4 **SECTION.**

5 **(2) IN DESIGNATING PRIORITY WATERSHEDS UNDER THIS**  
6 **SUBSECTION, THE DEPARTMENT SHALL GIVE PRIORITY CONSIDERATION TO**  
7 **WATERSHEDS WITH A DEMONSTRATED HISTORY OF OR SIGNIFICANT POTENTIAL**  
8 **FOR FLOOD-RELATED IMPACTS.**

9 (b) (1) [The Department, in cooperation with the subdivisions and the  
10 Department of Agriculture and the Department of Planning, shall conduct studies of the  
11 watersheds designated pursuant to subsection (a) of this section which shall define at least:

12 (i) The existing magnitude and frequency of flood events;

13 (ii) The magnitude and frequency of flood events based on planned  
14 development; and

15 (iii) Alternative management techniques according to their  
16 effectiveness in controlling floods and minimizing flood damage.

17 (2) The studies shall address at least the 100-year flood event] **SUBJECT**  
18 **TO THE AVAILABILITY OF FUNDING AND CONSISTENT WITH GUIDELINES**  
19 **ESTABLISHED BY THE DEPARTMENT, A SUBDIVISION THAT CONTAINS A**  
20 **DESIGNATED PRIORITY WATERSHED SHALL:**

21 **(I) CONDUCT A FLOOD-RELATED WATERSHED STUDY;**

22 **(II) ESTABLISH A SCHEDULE FOR THE COMPLETION OF THE**  
23 **STUDY; AND**

24 **(III) ESTABLISH A SCHEDULE TO REGULARLY UPDATE THE**  
25 **MODEL DATA, ASSUMPTIONS, QUALITY ASSURANCE, AND QUALITY CONTROL OF THE**  
26 **STUDY.**

27 **(2) A FLOOD-RELATED WATERSHED STUDY REQUIRED UNDER**  
28 **PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL:**

29 **(I) DEFINE THE AREA OF INUNDATION DURING A 10-, 25-,**  
30 **100-, 500-, AND 1,000-YEAR FREQUENCY FLOOD EVENT, BOTH CURRENTLY AND**  
31 **UNDER FUTURE SCENARIOS OF DEVELOPMENT AND ENVIRONMENTAL CONDITIONS;**

1                   **(II) DESCRIBE THE MAGNITUDE OF IMPACT FOR EACH FLOOD**  
2 **EVENT IDENTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, INCLUDING**  
3 **THE IMPACT TO:**

4                   **1. ALL EXISTING STRUCTURES, ROADS, AND**  
5 **SUBDIVISION STORMWATER MANAGEMENT SYSTEMS UNDER EXISTING**  
6 **DEVELOPMENT CONDITIONS;**

7                   **2. ALL EXISTING STRUCTURES, ROADS, AND**  
8 **SUBDIVISION STORMWATER MANAGEMENT SYSTEMS UNDER PLANNED**  
9 **DEVELOPMENT CONDITIONS; AND**

10                   **3. EXISTING STRUCTURES, ROADS, AND SUBDIVISION**  
11 **STORMWATER MANAGEMENT SYSTEMS UNDER FUTURE PRECIPITATION**  
12 **CONDITIONS AND SEA LEVEL RISE PROJECTIONS; AND**

13                   **(III) DESCRIBE THE FLOOD REDUCTION POTENTIAL OF VARIOUS**  
14 **ALTERNATIVE MANAGEMENT TECHNIQUES AND PROJECTS, INCLUDING A**  
15 **PRIORITIZED LIST OF ALTERNATIVE MANAGEMENT TECHNIQUES ACCORDING TO**  
16 **THE EFFECTIVENESS OF EACH TECHNIQUE IN CONTROLLING THE IMPACT FOR EACH**  
17 **FLOOD EVENT IDENTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

18                   (3) [By mutual agreement, the Department may delegate the  
19 responsibility for carrying out all or part of the studies of priority watersheds to the  
20 appropriate subdivisions] **AS PART OF A FLOOD-RELATED WATERSHED STUDY**  
21 **CONDUCTED UNDER THIS SUBSECTION, A SUBDIVISION SHALL:**

22                   **(I) IN ACCORDANCE WITH CRITERIA DEVELOPED BY THE**  
23 **DEPARTMENT AND FOR EACH FLOOD EVENT IDENTIFIED UNDER PARAGRAPH (2)(I)**  
24 **OF THIS SUBSECTION, DELINEATE THE AREA OF TIDAL AND NONTIDAL INUNDATION**  
25 **ON GEOGRAPHIC INFORMATION SYSTEM (GIS) MAPS; AND**

26                   **(II) SUBMIT THE MAPS TO THE DEPARTMENT FOR REVIEW AND**  
27 **APPROVAL.**

28                   **(4) IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY A**  
29 **SUBDIVISION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A SUBDIVISION SHALL**  
30 **SUBMIT A FLOOD-RELATED WATERSHED STUDY, AND ANY UPDATES TO THAT STUDY**  
31 **APPROVED BY THE SUBDIVISION, TO THE DEPARTMENT FOR REVIEW AND**  
32 **APPROVAL.**

33                   (c) [As a part of the study undertaken under subsection (b) of this section, the  
34 Department shall delineate the flood hazard areas on maps showing areas of tidal and  
35 nontidal inundation.

(d)] (1) [By July 1, 1990 each subdivision, in cooperation with the Departments of the Environment and Agriculture, the Department of Planning, and other appropriate State agencies, shall prepare a flood management plan based upon an evaluation of alternative management techniques and other findings included in studies conducted under subsection (b) of this section] **BY JANUARY 1, 2028, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE DEPARTMENT OF PLANNING, SHALL DEVELOP AND PUBLISH GUIDELINES TO ASSIST SUBDIVISIONS IN:**

**(I) CONDUCTING THE FLOOD-RELATED WATERSHED STUDIES REQUIRED UNDER THIS SECTION; AND**

**(II) PREPARING THE GIS MAPS REQUIRED UNDER THIS SECTION.**

**(2)** Each **COMPREHENSIVE** flood management plan shall be consistent with the purposes and provisions of this subtitle.

**[(2)] (3)** Management techniques may include:

- (i) Flood control dams;
- (ii) Levees and dikes;
- (iii) Stormwater detention or retention structures;
- (iv) Public acquisition;
- (v) Flood proofing;
- (vi) Storm drain and stream maintenance;
- (vii) Tax adjustment policies;
- (viii) Subdivision, zoning, and related ordinances; and
- (ix) Other practical methods.

**[(3)] (4)** Management techniques shall include flood warning systems.

**[(e)] (D) (1) (I)** In any interjurisdictional watershed, those portions of the **COMPREHENSIVE** flood management plans of the subdivisions relating to the watershed shall be subject to review and approval by the Department as one plan.

(II) Any comprehensive flood management plan [which] THAT includes a project for which grant funds are requested under this section is subject to review and approval by the Department.

(III) 1. If a plan is disapproved, the Secretary shall set forth in writing the reason for disapproval.

2. Disapproval of a plan shall be based only on flood management considerations.

(2) A SUBDIVISION COMPLETING A COMPREHENSIVE FLOOD-RELATED WATERSHED STUDY FOR AN INTERJURISDICTIONAL WATERSHED SHALL:

(I) INCLUDE WATERSHED-BASED COLLABORATION AMONG SUBDIVISIONS; AND

(II) CONSULT WITH STATE AGENCIES, AS APPROPRIATE.

[(f)] (E) The Department and the subdivisions shall coordinate activities under this section, INCLUDING THOSE ACTIVITIES IN INTERJURISDICTIONAL WATERSHEDS, with all related programs, including the national flood insurance program, the STATE'S sediment control program, and the [State water pollution control and abatement programs] STATE'S STORMWATER MANAGEMENT PROGRAM.

[(g)] (F) (1) (I) Each subdivision shall implement the COMPREHENSIVE flood management plan for its watershed.

(II) 1. If a subdivision so elects, the Department, in consultation with the subdivision, shall prepare the regulations to implement the COMPREHENSIVE flood management plan.

2. The subdivision shall adopt [these] THE regulations PREPARED BY THE DEPARTMENT UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

(III) 1. If a municipality elects and the county agrees, the county, in consultation with the municipality, shall prepare the regulations TO IMPLEMENT THE COMPREHENSIVE FLOOD MANAGEMENT PLAN.

2. If the county does not agree TO PREPARE REGULATIONS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, the Department, in consultation with the municipality, shall prepare, if requested, the regulations.

1                               **3.**     The municipality shall adopt the regulations prepared for  
2 the municipality **UNDER THIS SUBPARAGRAPH.**

3                               **(IV)**   Implementation of the **COMPREHENSIVE** flood management  
4 plans shall begin within 1 year after they are completed.

5                               (2)   (i)     **1.**     Baltimore City and Baltimore County shall include in the  
6 **COMPREHENSIVE** flood management plan for the Jones Falls watershed and adopt  
7 regulations [prohibiting]:

8                               **A.   PROHIBITING** any person from erecting any new  
9 residential structure or any substantial residential structural changes [which] **THAT** would  
10 constitute any amount of encroachment into the 100-year floodplain of the nontidal Jones  
11 Falls[.]; and [requiring]

12                              **B.   REQUIRING** all new nonresidential structures or  
13 improvements, except flood control projects, to be elevated above the 100-year flood  
14 elevation. [However, these]

15                              **2.   THE** restrictions **UNDER SUBSUBPARAGRAPH 1 OF**  
16 **THIS SUBPARAGRAPH** may be construed not to apply to any public works project of  
17 Baltimore City, Baltimore County, or the State;

18                              (ii)   In issuing any manner of permit or approval to any person to  
19 modify or renovate any existing structure or to modify the use of any open land area in the  
20 100-year floodplain of the nontidal Jones Falls, Baltimore City or Baltimore County, **AS**  
21 **APPLICABLE**, shall impose conditions to require that risk of injury to persons or property  
22 shall be minimized to the greatest extent practicable.

23                              **[(h)] (G)**   (1)   There is a comprehensive flood management grant program  
24 within the Department.

25                              (2)   (i)     Subject to the approval of the Board of Public Works, the  
26 Department may use proceeds from the State debt created to fund the comprehensive flood  
27 management grant program to pay the entire cost **OR A PORTION OF THE COST** of  
28 **FLOOD-RELATED** watershed studies [pursuant to] **CONDUCTED IN ACCORDANCE WITH**  
29 subsection (b) of this section.

30                              (ii)   The Department may provide grants to subdivisions to pay the  
31 entire cost **OR A PORTION OF THE COST** of **CONDUCTING FLOOD-RELATED** watershed  
32 studies when the Department [delegates that responsibility pursuant to subsection (b) of]  
33 **DESIGNATES A WATERSHED FOR STUDY IN ACCORDANCE WITH** this section.

34                              (3)   (i)     Subject to the approval of the Board of Public Works, the  
35 Department may provide grants to subdivisions for flood control and watershed



1 management capital projects, and for the capital costs related to design, purchase, and  
2 installation of automated flood warning projects, provided that the projects are consistent  
3 with the plans and implementation prepared and adopted in accordance with this subtitle,  
4 and provided further that each project:

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

7                               2.     Is ~~[not inconsistent]~~ **CONSISTENT** with any State or  
8 interjurisdictional flood management plan.

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

11                              1.     Adopt a specific and compatible response plan ~~[which]~~  
12 **THAT** has been coordinated with local emergency management authorities and reviewed  
13 and approved by the Department and the Maryland Department of Emergency  
14 Management; and

15                              2.     Provide for financial and other commitments to properly  
16 operate and maintain the project.

17                              (iii)   1.     The amount of any grant made by the Department for a  
18 flood control and watershed management capital project that involves only nonfederal  
19 funds and meets the criteria of this subtitle shall be matched by a minimum amount of 25%  
20 of project costs in ~~[local government]~~ **SUBDIVISION** or private funds.

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

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

25                              B.     ~~[Local government]~~ **SUBDIVISION** or private funds shall  
26 provide not less than 50% of the nonfederal share of the project funding.

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

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

1 (ii) Total expenditures for grants made under this paragraph may  
2 not exceed **[50%] 25%** of the total authorized budgeted funds in a fiscal year for grants  
3 under this subsection.

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

7 (ii) The total amount of grants awarded by the Department to  
8 subdivisions **FOR CONDUCTING FLOOD-RELATED WATERSHED STUDIES** under this  
9 [paragraph] **SECTION** may[:

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

13 2. For], **FOR** fiscal year **[2023] 2029** and each fiscal year  
14 thereafter, equal up to **[50%] 5%** of the total amount of money appropriated to the  
15 comprehensive flood management program.

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

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

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

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

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

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

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

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

32 (7) Before awarding a grant under paragraphs (2), (3), or (4) of this  
33 subsection, the Department, in cooperation with the Department of Planning, shall review

1 the flood control and watershed management operations of the applicant subdivision to  
2 assure that the flood control and watershed management operations are in compliance with  
3 this subtitle.

4 (8) (i) For fiscal year 2026 and each fiscal year thereafter, the Governor  
5 may include in the annual State budget an appropriation for the comprehensive flood  
6 management grant program of up to \$20,000,000.

7 (ii) For fiscal year 2026 and each fiscal year thereafter, at least 40%  
8 of funding provided under the comprehensive flood management grant program shall be  
9 used for projects located in or directly benefiting underserved or overburdened  
10 communities, as defined in § 1–701 of this article.

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

- 13 1. Shall remain in the program; and  
14 2. Are not subject to § 7–302 of the State Finance and  
15 Procurement Article.

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

18 (ii) These regulations may include:

- 19 1. A determination of statewide and interjurisdictional needs  
20 and priorities;  
21 2. Standards of eligibility for applicants and projects;  
22 3. Criteria for recognition of tidal and nontidal areas;  
23 4. Engineering and economic standards and alternatives;  
24 and  
25 5. Procedures for filing and processing contents of  
26 applications.

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) The Maryland Department of Emergency Management, in coordination with  
29 the Department of the Environment, the Department of Planning, and the Department of  
30 Natural Resources, shall:

- 31 (1) evaluate natural hazard–specific State–level plan requirements for  
32 local governments; and

1                   (2)     make recommendations on the potential to reduce duplication and  
2 streamline local hazard-planning requirements.

3           (b)     On or before December 1, 2026, the Maryland Department of Emergency  
4 Management shall report its recommendations under subsection (a)(2) of this section to the  
5 Governor and, in accordance with § 2-1257 of the State Government Article, the General  
6 Assembly.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2026.