

HOUSE BILL 779

M1, M3, R1

6lr1049

CF 6lr1053

By: **Delegates Lehman, Behler, Boyce, Foley, Healey, Moreno, Ross, Ruth, Stein, Taveras, Terrasa, Wims, and Woods**

Introduced and read first time: February 4, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Riverine Siting and Design Criteria – Requirements**

3 FOR the purpose of requiring, beginning on certain dates, certain State and local projects
4 for which a certain percentage of project costs are funded with State funds to be in
5 compliance with certain riverine siting and design criteria; requiring, on or before
6 certain dates and in consultation with the Department of Natural Resources, the
7 Department of the Environment, and the Department of Transportation, the Coast
8 Smart Council to establish certain riverine siting and design criteria and, at a certain
9 frequency, to review and, under certain circumstances, update the riverine siting
10 and design criteria; and generally relating to riverine siting and design criteria.

11 BY repealing and reenacting, without amendments,

12 Article – Natural Resources

13 Section 3–1001(a), (c), (d), (f), (h), (k), (l), and (m), 3–1004, and 3–1005(a)

14 Annotated Code of Maryland

15 (2023 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Natural Resources

18 Section 3–1006 to be under the amended subtitle “Subtitle 10. Sea Level Rise
19 Inundation and Coastal, Nuisance, and Riverine Flooding”

20 Annotated Code of Maryland

21 (2023 Replacement Volume and 2025 Supplement)

22 BY adding to

23 Article – Natural Resources

24 Section 3–1021 to be under the new part “Part VII. Riverine Siting and Design
25 Criteria”

26 Annotated Code of Maryland

27 (2023 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Natural Resources**

4 Subtitle 10. Sea Level Rise Inundation and Coastal, **NUISANCE, AND RIVERINE**
5 Flooding.

6 3–1001.

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

8 (c) “Council” means the Coast Smart Council.

9 (d) “Design criteria” means standard specifications related to the shape, size, or
10 form of a construction practice.

11 (f) “Highway facility” has the meaning stated in § 3–101(f) of the Transportation
12 Article.

13 (h) (1) “Replacement cost” means, at the time of reconstruction, the cost of
14 reconstructing a structure and its surrounding property to full use with materials of the
15 same kind and quality as the original materials.

16 (2) “Replacement cost” does not include:

17 (i) The value of the land on which a structure is located; or

18 (ii) For tax purposes, a deduction for depreciation.

19 (k) “Siting criteria” means specifications related to the location or use of a
20 structure or highway facility.

21 (l) “Structure” means:

22 (1) A walled or roofed building;

23 (2) A manufactured home; or

24 (3) A gas or liquid storage tank that is principally above ground.

25 (m) “Substantial damage” means damage caused by any source that is sustained
26 by a structure such that the cost of reconstruction to its before-damaged condition is at
27 least half of the structure’s replacement cost before the damage occurred.

28 3–1004.

(a) There is a Coast Smart Council in the Department.

(b) The Department shall provide staff support for the Council.

5.

(a) The Coast Smart Council shall include:

- (1) The Secretary of Natural Resources, or the Secretary's designee;
- (2) The Secretary of Budget and Management, or the Secretary's designee;
- (3) The Secretary of the Environment, or the Secretary's designee;
- (4) The Secretary of General Services, or the Secretary's designee;
- (5) The Secretary of Planning, or the Secretary's designee;
- (6) The Secretary of Transportation, or the Secretary's designee;
- (7) The Secretary of Commerce, or the Secretary's designee;
- (8) The Chair of the Critical Area Commission for the Chesapeake and
tic Coastal Bays, or the Chair's designee;
- (9) The Secretary of Emergency Management, or the Secretary's designee;
- (10) The Comptroller, or the Comptroller's designee;
- (11) The Chancellor of the University System of Maryland, or the
cellor's designee; and
- (12) Five members appointed by the Governor to represent local
nment, environmental, and business interests.

16.

(a) The Council shall:

(1) Study and provide analysis regarding standards and factors relevant to establishment of Coast Smart siting criteria and design criteria;

(2) Develop siting and design criteria to establish and implement Coast Smart practices and requirements;

(4) Develop eligibility criteria, standards, and procedures for applying for and obtaining a waiver from compliance with the Coast Smart requirements;

5 [(4)] (5) Establish procedures for evaluating Coast Smart waiver
6 applications that include the consideration of proposed capital projects with regard to:

10 (ii) The need to prevent danger to life and property and to avoid
11 environmental, socio-economic, and economic harm; and

12 **(5) (6)** Develop eligibility criteria, standards, and procedures for
13 categorical exemptions from the application of the Coast Smart requirements for proposed
14 capital projects that have been designed to include adaptation and resiliency features to
15 prevent or mitigate damage to the maximum extent practicable.

16 (b) The Council may recommend regulations for adoption by the Secretary to
17 carry out the provisions of this subtitle.

18 (c) The chair of the Council may establish subcommittees consisting of members
19 of the Council, experts in fields related to climate change and sea level rise, and interested
20 parties to address or study specific issues.

21 3-1019. RESERVED.

22 3-1020. RESERVED.

PART VII. RIVERINE SITING AND DESIGN CRITERIA.

24 3-1021.

25 (A) (1) THIS SECTION APPLIES TO STATE AND LOCAL CAPITAL PROJECTS
26 FOR WHICH AT LEAST 50% OF THE PROJECT COSTS ARE FUNDED WITH STATE
27 FUNDS.

30 (B) (1) BEGINNING JULY 1, 2028, IF A STATE OR LOCAL CAPITAL
31 PROJECT INCLUDES THE CONSTRUCTION OF A STRUCTURE OR HIGHWAY FACILITY.

1 THE STRUCTURE OR HIGHWAY FACILITY SHALL BE CONSTRUCTED IN COMPLIANCE
2 WITH THE SITING AND DESIGN CRITERIA ESTABLISHED UNDER SUBSECTION (C) OF
3 THIS SECTION.

4 (2) BEGINNING JULY 1, 2028, IF A STATE OR LOCAL CAPITAL
5 PROJECT INCLUDES THE RECONSTRUCTION OF A STRUCTURE WITH SUBSTANTIAL
6 DAMAGE, THE STRUCTURE SHALL BE RECONSTRUCTED IN COMPLIANCE WITH THE
7 SITING AND DESIGN CRITERIA ESTABLISHED UNDER SUBSECTION (C) OF THIS
8 SECTION.

9 (C) (1) ON OR BEFORE JULY 1, 2027, THE COUNCIL, IN CONSULTATION
10 WITH THE DEPARTMENT, THE DEPARTMENT OF THE ENVIRONMENT, AND THE
11 DEPARTMENT OF TRANSPORTATION, SHALL ESTABLISH RIVERINE SITING AND
12 DESIGN CRITERIA TO ADDRESS THE 500–YEAR FLOOD IMPACTS ON STATE AND
13 LOCAL CAPITAL PROJECTS.

14 (2) THE CRITERIA ADOPTED UNDER THIS SUBSECTION SHALL
15 INCLUDE:

16 (I) A DESCRIPTION OF THE DATA, MODELS, METHODS, AND
17 MAPS TO BE USED TO DEFINE THE 500–YEAR FLOOD EVENT FOR SITES IN RIVERINE
18 AREAS;

19 (II) GUIDELINES AND ANY OTHER DIRECTIVE APPLICABLE TO
20 THE PRELIMINARY PLANNING AND CONSTRUCTION OF A PROPOSED CAPITAL
21 PROJECT;

22 (III) A REQUIREMENT THAT A STRUCTURE BE DESIGNED AND
23 CONSTRUCTED OR RECONSTRUCTED IN A MANNER TO WITHSTAND FLOODING
24 ASSOCIATED WITH A 500–YEAR FLOOD EVENT, INCLUDING A REQUIREMENT FOR
25 STRUCTURES TO BE CONSTRUCTED OR RECONSTRUCTED IN A MANNER THAT
26 ENSURES THAT THE STRUCTURE WILL NOT BE INUNDATED BY A 500–YEAR FLOOD
27 EVENT; AND

28 (IV) PROVISIONS ESTABLISHING A PROCESS TO ALLOW A UNIT
29 OF STATE OR LOCAL GOVERNMENT TO OBTAIN A WAIVER FROM COMPLYING WITH
30 THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

31 (D) (1) ON OR BEFORE JULY 1, 2032, AND EVERY 5 YEARS THEREAFTER,
32 THE COUNCIL, IN CONSULTATION WITH THE DEPARTMENT, THE DEPARTMENT OF
33 THE ENVIRONMENT, AND THE DEPARTMENT OF TRANSPORTATION, SHALL REVIEW
34 AND, IF NECESSARY, UPDATE THE RIVERINE SITING AND DESIGN CRITERIA
35 ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2026.