

# HOUSE BILL 779

M1, M3, R1

6lr1049  
CF 6lr1053

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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

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## 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)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Natural Resources**

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

3–1001.

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

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

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

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

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

(2) “Replacement cost” does not include:

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

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

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

(l) “Structure” means:

(1) A walled or roofed building;

(2) A manufactured home; or

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

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

3–1004.

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

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

3–1005.

(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 Atlantic 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 Chancellor's designee; and

(12) Five members appointed by the Governor to represent local government, environmental, and business interests.

3–1006.

(a) The Council shall:

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

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

(3) **DEVELOP AND IMPLEMENT RIVERINE SITING AND DESIGN CRITERIA IN ACCORDANCE WITH § 3-1021 OF THIS SUBTITLE;**

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

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

(i) The anticipated need to prepare for, respond to, and recover from extreme weather events, sea level rise inundation, coastal flooding, storm surges, and shoreline erosion; and

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

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

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

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

**3-1019. RESERVED.**

**3-1020. RESERVED.**

## **PART VII. RIVERINE SITING AND DESIGN CRITERIA.**

**3-1021.**

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

(2) **THIS SECTION DOES NOT APPLY TO A CAPITAL PROJECT THAT COSTS LESS THAN \$500,000.**

(B) (1) **BEGINNING JULY 1, 2028, IF A STATE OR LOCAL CAPITAL 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.

1           **(2) ON OR BEFORE DECEMBER 1, 2032, AND EVERY 5 YEARS**  
2 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE SENATE COMMITTEE ON**  
3 **EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT**  
4 **AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE**  
5 **GOVERNMENT ARTICLE, A SUMMARY OF THE RESULTS OF THE REVIEW CONDUCTED**  
6 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

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