



Senate Bill 528

Coast Smart Siting and Design Criteria - Private Construction or Reconstruction Projects and Enforcement

MACo Position: **OPPOSE**

To: Education, Health and Environmental
Affairs Committee

Date: February 10, 2021

From: Alex Butler

The Maryland Association of Counties (MACo) **OPPOSES** SB 528. Counties are generally supportive of coastal resiliency, planning, and mitigation efforts. However, SB 528 would impose potentially costly and unnecessary mandates on county governments relating to sea level rise and coastal flooding.

SB 528 would (1) subject private construction projects to the Coast Smart criteria if the development disturbs more than one acre and costs more than \$100,000; and (2) require the Department of Natural Resources (DNR) to delegate enforcement authority to local governments. This enforcement under SB 528 would likely require more staff, training, and resources than counties currently possess – the administrative costs of developing this oversight regime are very substantial.

Local governments should have the ability to address nuisance flooding through whatever mechanism fits their community circumstances, regardless of whether it is a plan, ordinance, rule, or policy. This is evidenced by strong Floodplain Management Programs in many jurisdictions. SB 528 would likely require local governments to re-write their floodplain ordinances to accommodate a new statewide standard for application to a significant number of private projects. These standards and criteria are designed for public infrastructure projects in an effort to protect the State's investment. Imposing these requirements on private development will result in additional project reviews and would create unnecessary confusion.

Additionally, a county government that fails to address flooding issues risks incurring the ire of its residents; such an unresponsive government would likely be voted out of office during the next election cycle. County governments are very cognizant about incorporating best practices into both project design standards and long-term floodplain planning.

The bill's mandate is unnecessary and burdensome for local governments. Accordingly, MACo urges the Committee to provide a report of **UNFAVORABLE** for SB 528.