



February 2, 2021

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Oppose: HB 512 – Coast Smart Siting and Design

Dear Chair, Barve and Committee Members:

The NAIOP Maryland Chapters representing, more than 700 companies that develop and own commercial, industrial and mixed-use real estate oppose the application of Coast Smart Criteria to private construction as proposed in House Bill 512.

HB 512 requires private projects to comply with minimum flood elevations, construction guidelines and administrative procedures for project application, review and approval that were developed by the Coast Smart Council for use by state agencies and local governments. [[Coast Smart Siting program requirements linked here](#)]. These construction requirements and administrative procedures were not developed within the existing federal, state, and local floodplain management structure. NAIOP is extremely concerned that differences between the Coast Smart guidelines and administrative procedures and local requirements will create bureaucratic inconsistency, and confusion resulting in major problems for property owners.

The requirements in HB 512 are applied in an overlay zone mapped in the Coastal Ready Action Boundary [CRAB] that both intersects with and expands areas currently designated as floodplain requirements and critical areas. An initial GIS analysis of the locations where the requirements would apply indicates more than 97,000 structures and a land area of more than 724,000 acres are within the footprint of CRAB. [[CRAB Map linked here](#)]

Climate resiliency and mitigation are built into the everyday operation and future investment decisions of commercial real estate companies. Ensuring that construction and reconstruction of buildings in and adjacent to flood hazard areas adapts to changing flood hazards is a critical component of protecting public and private assets. In its current form HB 512 presents a process and requirements that are too far removed from the long-standing coordinated process for managing flood hazards. Baltimore City, Annapolis City and many Eastern Shore counties have taken action to adapt to changing conditions. If the assembly wants to enact a state-wide freeboard requirement and other siting criteria in flood hazard areas the requirements must be developed and implemented through the existing floodplain management structure and administered by local governments. The opt-in language in the bill as introduced is not feasible.

Sincerely,

A handwritten signature in blue ink that reads "T.M. Ballentine". The signature is written in a cursive, flowing style.

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: House Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.