

Mayor Tracey Furman

**Council Member Darin Bartram
Council Member Nate Engle**



**Council Member Conor Crimmins
Council Member Bridget Hill-Zayat**

March 1, 2021

The Honorable Kumar P. Barve
251 House Office Building
6 Bladen Street
Annapolis MD 21401

Re: HB635 - Amendment

Dear Delegate Barve:

We received a request from Delegate Carr on February 12, 2021 requesting support for an amendment to HB635, to require a parallel study for Montgomery County as the bill currently is drafted to require a study for Prince George's County. Delegate Carr's request arrived following our February Town Council Meeting, and the House Environment & Transportation Committee hearing will occur prior to Kensington's March 8 Town Council Meeting. Although we are unable to pass a formal resolution supporting the proposed amendment, I am happy to submit this letter, and to advise you that I have consulted informally with the Town Council, who concur with the following:

Background

The Town of Kensington experienced extraordinarily heavy rainfall on September 10, 2020, in addition to heavy storms in the month prior. These storms caused significant damage to homes in Kensington and throughout the region. Even more alarming is that when we hired a contractor to analyze the status of the Town's storm drains, the results revealed that they were almost all clear of debris--in other words, the storms overwhelmed the well-maintained existing infrastructure.

The timing of this legislation and the proposed study is particularly appropriate because Montgomery County is actively considering measures to increase the density of down-county development—already permitting Accessory Dwelling Units (ADUs) in the R-60 zone, and looking to increase density associated with missing middle housing, for example--and would benefit from an analysis of whether and how increased lot coverage will cause greater offsite drainage into the existing stormwater systems.

Support for Proposed Studies

HB635 aims to tackle an issue that impacts people's lives directly, increasingly intense storms that overwhelm our infrastructure, flood our basements, and cause significant erosion, as well as other environmental

damage. We welcome the development of short- and long-term solutions to mitigate these issues. We also believe that the impacts in Montgomery County and Prince George's County are sufficiently similar that a combined effort makes sense.

Suggested Revisions

1. Scope

The legislation should be expanded to direct the studies to include an evaluation not only of historic and recent flooding, but also likely or potential future flooding scenarios that might develop due to climate change. Related to this, the interaction with land use and flooding should specifically be included, as this is not just an issue of the hazard itself increasing due to increasing intensity and duration of storms, but also the exposure and sensitivity increasing due to development, densification, and other land use changes in these counties. Finally, the legislation should direct these studies to look beyond only recommending physical infrastructure (or what is typically referred to as 'grey' infrastructure) by also including nature-based solutions (or 'green' infrastructure), as well as including updated master planning to prioritize such grey and green infrastructure investments across these counties in a manner that takes these increasing flood risks into consideration.

2. Funding

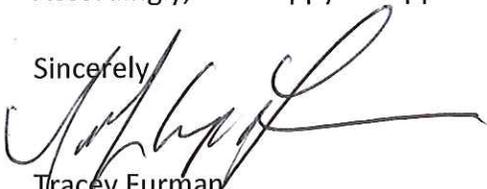
I did not see where the legislation provides funding for these studies. An assessment of existing stormwater infrastructure, the environmental impact of flooding, and potential mitigation measures is both a bold and necessary undertaking. To ensure the rigor and comprehensiveness of the study, I would recommend that you provide funding to these agencies commensurate with the scope of the undertaking. To ask these agencies to perform these tasks within their current budget and staffing risks a superficial and therefore unhelpful outcome to what is already a major concern.

3. Timing

HB635 would take effect July 1, 2021, and proposes that the agencies tasked with the studies report back by October 15th--just 3½ months later. The studies entail a significant degree of fact-finding and analysis of mitigation measures. I would suggest that in order to help ensure that the studies provide a useful roadmap for future action, you consider lengthening the deadline. Even passing this legislation as an emergency bill would only give the agencies a few additional months to complete the task, which is likely insufficient, particularly given other amendments that would increase the inter-governmental consultations required.

Accordingly, I am happy to support an amendment to HB635, with the additional considerations noted above.

Sincerely



Tracey Furman,
Mayor

Cc: Kensington Town Council
Sen. Jeff Waldstreicher

Del. Al Carr
Del. Emily Shetty
Del. Jared Solomon
Councilmember Andrew Friedson
Councilmember Gabe Albornoz
Councilmember Evan Glass
Councilmember Will Jawando
Councilmember Hans Riemer