



January 31, 2024

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Favorable w/ Amendment: SB 306 - Environment – Critical Area Protection – Climate, Equity and Administrative Provisions

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters, representing 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate, I am writing to recommend the committee's favorable w/ amendments report on SB 306.

A significant amount of existing commercial, industrial, and multifamily property in Canton, Fells Point, Harbor East, Ocean City and port dependent facilities the City of Baltimore, and Baltimore County is in or adjacent to the Chesapeake or the Coastal Bay Critical Areas.

In these locations climate resiliency and mitigation are built into the everyday operation and future investment decisions of commercial real estate companies. Ensuring that construction and reconstruction in flood hazard areas adapts to changing conditions is a critical component of protecting public and private assets for the long-term. Critical Area requirements, higher flood elevations established by local governments, FEMA floodplain regulations, stormwater management, building code provisions for flood hazard areas, as well as insurance requirements are influential to adapting buildings to changing conditions.

SB 306 requires that local governments incorporate new provisions related to climate adaptation and social equity into Critical Area programs. These are inarguably laudable and important objectives that will address important needs. It is encouraging and appropriate that SB 306 directs that the nature of these new initiatives be evaluated and implemented at the local level within the existing programmatic framework. Coordination between Critical Areas, floodplain, building codes and other complimentary programs is essential to provide regulated entities with consistent standards, policy objectives that are in alignment and appropriate levels of administrative support.

Implementing the bill's broad objectives should include evaluation of the tools available to forecast future climate conditions and assess current social and environmental justice conditions. We have previously written to the committees expressing concerns about the use of environmental mapping tools that were originally developed for higher level planning purposes, as the basis of regulatory decisions on a small scale.

One concern we have discussed with the Critical Areas Commission Chair is the proposal to strike, "wherever possible" on page 6, line 12. Removing this language from the General Assembly's findings

and declarations implies that as a policy matter, the 100-foot buffer must be maintained in every instance. While this is properly a high priority of the program, it is not always possible, particularly in the Intensely Developed Area. We request that “wherever possible” be retained.

We understand that other stakeholders have prepared amendments that have not yet been offered. We would like the opportunity to review and comment on proposed amendments as they become available.

NAIOP respectfully recommends your favorable w/ amendment report on SB 306.

Sincerely,



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

cc: Education, Energy, and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.