



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

February 1, 2024

**BILL NUMBER: House Bill 233 – First Reader**

**SHORT TITLE: Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Climate, Equity, and Administrative Provisions**

**DEPARTMENT’S POSITION: SUPPORT**

**EXPLANATION OF COMMISSION’S POSITION**

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The Commission supports HB 233. This bill will modernize Maryland’s Critical Area Program by contributing to State efforts to build climate resilience and produce more equitable outcomes when land is developed near the shoreline.

**BACKGROUND INFORMATION**

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The Critical Area law was last comprehensively updated by the General Assembly in 2008. Since that time, the State has seen an increase in the effects of flooding and erosion along its shorelines due to climate change. The impacts of climate change, including coastal flooding and sea level rise, are acutely felt in the Critical Area. Additionally, these impacts can be disproportionately experienced by underserved and underrepresented communities. This bill is intended to provide the tools necessary for the Critical Area Commission and the 64 local jurisdictions with Critical Area Programs to proactively create and implement solutions.

**BILL EXPLANATION**

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HB 233 will enable the Critical Area Commission to provide both a framework and technical assistance to Critical Area jurisdictions to: (1) incorporate consideration of climate change and sea level rise in Maryland’s Critical Area; (2) incorporate consideration of environmental justice in State and local decision-making; and (3) modify administrative procedures to ensure consistent application of the law while easing some administrative burdens in local Critical Area Programs.

Most importantly, the bill will do the following:

- Update the goals, policies, and regulatory directives of the Critical Area law, thus providing the tools needed for the Commission and local jurisdictions to equitably manage the impacts of climate change in the Critical Area;

- Direct local jurisdictions to incorporate strategies and measures that enhance the resiliency as a part of their local Critical Area programs;
- Require the Commission to consider environmental justice as a factor when approving requests to intensify land development, including an assessment of environmental impacts and proposed mitigation on underserved or overburdened communities; and
- Direct local jurisdictions to develop provisions that ensure public access for underserved and overburdened communities.

The bill also includes technical changes to make program implementation more efficient, track and leverage fee-in-lieu revenues, clarify the Commission's mapping directives and standards for reclassification, provide better alignment with local planning, and ensure timely programmatic updates.