

February 27th, 2026

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

RE: MBIA Letter of Opposition SB 687 Environment - Flood Risk Review Process - Establishment

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 687 Environment - Flood Risk Review Process - Establishment**.

MBIA would like for the committee to address several concerns we have with this bill:

1. Existing Local Flood Risk Review

In many jurisdictions reviews of flood risks already occur at the local level under the regulations currently in place. Local jurisdictions evaluate stormwater management and floodplain impacts as part of the development review process. This bill would require an additional state level review for any project in a watershed deemed to be high risk.

2. Status and Scope of ASToRM Regulations

The ASToRM regulations referenced in the bill are still under development. To date, they have focused primarily on stormwater management at the individual site level (i.e., new development and redevelopment projects), addressing water quantity and quality contributions from a single project. The next anticipated phase is for MDE to shift focus toward high-risk watersheds on a broader, watershed-wide basis.

3. Unintended Consequences for Redevelopment

Requiring individual redevelopment projects to address watershed-level flooding concerns may unintentionally make redevelopment significantly more difficult. Developers would be required to design for future conditions while being constrained by existing surrounding infrastructure.

This creates several challenges:

- a. Potentially extensive off-site infrastructure upgrades
- b. Required permissions to access or modify property not owned or controlled by the developer
- c. Unclear cost-sharing mechanisms for downstream or off-site improvements

4. Economic Feasibility Concerns

The cumulative costs associated with off-site upgrades and coordination with multiple property

owners could escalate to the point where redevelopment is no longer economically feasible—particularly for infill or urban redevelopment projects.

5. Need for Clear Responsibility and Cost Allocation

The bill should explicitly address:

- a. Who is responsible for implementing improvements identified as necessary to mitigate watershed-level flooding impacts
- b. How costs will be allocated for improvements on land not owned or controlled by the developer
- c. Whether public funding mechanisms or grant programs will be available to support required off-site infrastructure upgrades

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy, and the Environment Committee