

HOUSE BILL 1209

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3lr2817

By: **Delegates Lehman, Ivey, Pena–Melnyk, Ruth, Solomon, Stewart, Taveras, and Terrasa**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Flood Control – Flood Risk Assessment and Model Ordinance**
3 **(Climate Ready Floodplain Act of 2023)**

4 FOR the purpose of requiring the Department of the Environment to publish a statewide
5 flood risk assessment map projected to a certain year and educate the public on
6 certain information on or before a certain date; requiring the Department to
7 establish a certain model floodplain ordinance on or before a certain date; requiring
8 certain units of local government to submit to the Department for review a certain
9 proposed floodplain ordinance on or before a certain date; and generally relating to
10 flood risk and floodplain ordinances.

11 BY adding to

12 Article – Environment

13 Section 5–701.1

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Environment**

19 **5–701.1.**

20 **(A) IN THIS SECTION, “BUILDING” MEANS ANY STRUCTURE USED OR**
21 **INTENDED FOR SUPPORTING OR SHELTERING ANY USE OR OCCUPANCY.**

22 **(B) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) PUBLISH A STATEWIDE FLOOD RISK ASSESSMENT MAP**
2 **PROJECTED TO THE YEAR 2050 THAT:**

3 **(i) ILLUSTRATES ANY AREA THAT HAS A 0.2% CHANCE OF**
4 **FLOODING OR 1% CHANCE OF FLOODING DUE TO THE COMBINED EFFECTS OF SEA**
5 **LEVEL RISE, STORM SURGES, INCREASED PRECIPITATION, INCREASED**
6 **TEMPERATURE, OVERFLOW FROM THE WATERS OF THE STATE, AND EXTREME**
7 **WEATHER EVENTS RELATED TO THE ANTICIPATED ADVERSE EFFECTS OF CLIMATE**
8 **CHANGE; AND**

9 **(ii) INCLUDES PROJECTIONS IN FEET FOR HOW HIGH THE**
10 **WATER LEVEL MAY RISE IN AREAS THAT HAVE A 0.2% CHANCE OF FLOODING OR 1%**
11 **CHANCE OF FLOODING BY 2050;**

12 **(2) EDUCATE THE PUBLIC ABOUT THE INFORMATION DESCRIBED**
13 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING:**

14 **(i) PUBLISHING THE INFORMATION ON ITS WEBSITE; AND**

15 **(ii) PARTICIPATING IN OUTREACH EFFORTS TO THE GENERAL**
16 **PUBLIC; AND**

17 **(3) ESTABLISH A MODEL FLOODPLAIN ORDINANCE THAT, AT A**
18 **MINIMUM:**

19 **(i) INCORPORATES THE MINIMUM REQUIREMENTS UNDER THE**
20 **NATIONAL FLOOD INSURANCE PROGRAM, INCLUDING FLOODPLAIN MANAGEMENT**
21 **CRITERIA FOR FLOOD-PRONE AREAS AND REQUIREMENTS FOR VARIANCES AND**
22 **EXCEPTIONS;**

23 **(ii) PROHIBITS NEW CONSTRUCTION OF ANY BUILDING**
24 **LOCATED WITHIN AN AREA THAT HAS, BY 2050, A 1% CHANCE OF FLOODING;**

25 **(iii) FOR AN EXISTING BUILDING THAT IS UNDERGOING**
26 **SIGNIFICANT REPAIRS OR RECONSTRUCTION AND IS LOCATED WITHIN AN AREA**
27 **THAT HAS, BY 2050, A 1% CHANCE OF FLOODING, REQUIRES THAT:**

28 **1. THE GROUND FLOOR OF THE EXISTING BUILDING BE**
29 **ELEVATED AT A MINIMUM OF 2 FEET ABOVE THE BASE FLOOD ELEVATION; AND**

30 **2. FLOOD DAMAGE-RESISTANT MATERIALS BE USED**
31 **BELOW THE ELEVATION OF THE GROUND FLOOR;**

1 **(IV) PROHIBITS THE DISPOSAL OF FILL, INCLUDING EARTHEN**
2 **SOILS, ROCK, RUBBLE, CONSTRUCTION DEBRIS, WOODY DEBRIS, AND TRASH WITHIN**
3 **AN AREA THAT HAS, BY 2025, A 1% CHANCE OF FLOODING;**

4 **(V) PROHIBITS THE CONSTRUCTION OF ANY PROJECT THAT**
5 **DISTURBS GREATER THAN 1 ACRE OF LAND IF A PRE- AND POST-FLOODPLAIN**
6 **ANALYSIS INDICATES THAT THE PROJECT WILL INCREASE THE CHANCE OF**
7 **FLOODING BY 2050 FOR PROPERTIES, NATURAL AREAS, OR NATURAL FEATURES**
8 **DOWNSTREAM; AND**

9 **(VI) APPLIES THE COAST SMART SITING AND DESIGN CRITERIA**
10 **UNDER § 3-1009 OF THE NATURAL RESOURCES ARTICLE TO ANY BUILDING OR**
11 **PROPERTY LOCATED WITHIN AN AREA THAT HAS, BY 2050, A 0.2% CHANCE OF**
12 **FLOODING.**

13 **(C) ON OR BEFORE JULY 1, 2025, A UNIT OF LOCAL GOVERNMENT WITH**
14 **PLANNING AND ZONING AUTHORITY SHALL SUBMIT TO THE DEPARTMENT FOR**
15 **REVIEW A PROPOSED FLOODPLAIN ORDINANCE THAT INCORPORATES THE**
16 **REQUIREMENTS UNDER SUBSECTION (B)(3) OF THIS SECTION.**

17 **(D) ON OR BEFORE SEPTEMBER 1, 2025, THE DEPARTMENT SHALL:**

18 **(1) APPROVE ANY PROPOSED FLOODPLAIN ORDINANCES SUBMITTED**
19 **IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; OR**

20 **(2) PROVIDE NOTICE IN WRITING TO THE RELEVANT UNIT OF LOCAL**
21 **GOVERNMENT OF ANY REVISIONS THAT THE DEPARTMENT REQUIRES.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2023.