

SENATE BILL 813

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3lr1796
CF HB 892

By: **Senator A. Washington**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Comprehensive Flood Management Grant Program – Environmental Justice**
3 **Funding**

4 FOR the purpose of requiring a certain percentage of funding provided under the
5 comprehensive flood management grant program to be used for projects located in or
6 directly ~~benefitting census tracts with a certain EJ Score~~ benefitting underserved or
7 overburdened communities; requiring authorizing the Governor to include in the
8 annual State budget an appropriation for the comprehensive flood management
9 grant program of a certain amount in certain fiscal years; and generally relating to
10 the comprehensive flood management grant program.

11 ~~BY repealing and reenacting, without amendments,~~
12 ~~Article – Environment~~
13 ~~Section 1–101(a), (c), and (j)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2013 Replacement Volume and 2022 Supplement)~~

16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 5–803(h)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Environment

2 ~~1-101.~~

3 ~~(a) In this article the following words have the meanings indicated.~~

4 ~~(e) “EJ Score” means an overall evaluation of an area’s environment and existing~~
 5 ~~environmental justice indicators, as defined by the Department in regulation, including:~~

6 ~~(1) Pollution burden exposure;~~

7 ~~(2) Pollution burden environmental effects;~~

8 ~~(3) Sensitive populations; and~~

9 ~~(4) Socioeconomic factors.~~

10 ~~(i) “Maryland EJ tool” means a publicly available State mapping tool that allows~~
 11 ~~users to:~~

12 ~~(1) Explore layers of environmental justice concern;~~

13 ~~(2) Determine an overall EJ Score for census tracts in the State; and~~

14 ~~(3) View additional context layers relevant to an area.~~

15 5-803.

16 (h) (1) There is a comprehensive flood management grant program within the
 17 Department.

18 (2) (i) Subject to the approval of the Board of Public Works, the
 19 Department may use proceeds from the State debt created to fund the comprehensive flood
 20 management grant program to pay the entire cost of watershed studies pursuant to
 21 subsection (b) of this section.

22 (ii) The Department may provide grants to subdivisions to pay the
 23 entire cost of watershed studies when the Department delegates that responsibility
 24 pursuant to subsection (b) of this section.

25 (3) (i) Subject to the approval of the Board of Public Works, the
 26 Department may provide grants to subdivisions for flood control and watershed
 27 management capital projects, and for the capital costs related to design, purchase, and
 28 installation of automated flood warning projects, provided that the projects are consistent
 29 with the plans and implementation prepared and adopted in accordance with this subtitle,
 30 and provided further that each project:

1 1. Is undertaken as part of a comprehensive flood
2 management plan prepared and adopted by the subdivision; and

3 2. Is not inconsistent with any State or interjurisdictional
4 flood management plan.

5 (ii) Grants for automated flood warnings projects shall be
6 conditioned to require all affected local governing bodies to:

7 1. Adopt a specific and compatible response plan which has
8 been coordinated with local emergency management authorities and reviewed and
9 approved by the Department and the Maryland Department of Emergency Management;
10 and

11 2. Provide for financial and other commitments to properly
12 operate and maintain the project.

13 (iii) 1. The amount of any grant made by the Department for a
14 flood control and watershed management capital project that involves only nonfederal
15 funds and meets the criteria of this subtitle shall be matched by a minimum amount of 25%
16 of project costs in local government or private funds.

17 2. For a flood control and watershed management capital
18 project that involves federal funding and meets the criteria of this subtitle:

19 A. The Department may provide up to 50% of the nonfederal
20 share of the project funding; and

21 B. Local government or private funds shall provide not less
22 than 50% of the nonfederal share of the project funding.

23 (iv) Each project application for a grant under this paragraph shall
24 be submitted to and reviewed by the State clearinghouse of the Department of Planning in
25 accordance with established clearinghouse procedures.

26 (4) (i) Subject to the approval of the Board of Public Works, the
27 Department may provide grants to subdivisions immediately after a flood for acquisition of
28 any flood damaged owner-occupied dwelling.

29 (ii) Total expenditures for grants made under this paragraph may
30 not exceed 50% of the total authorized budgeted funds in a fiscal year for grants under this
31 subsection.

32 (5) (i) The Department may award grants to subdivisions that have
33 incurred at least \$1,000,000 in infrastructure damage caused by a flood event that occurred
34 on or after January 1, 2009.

1 (ii) The total amount of grants awarded by the Department to
2 subdivisions under this paragraph may:

3 1. For fiscal years 2020, 2021, and 2022, equal up to 100% of
4 the total amount of money appropriated to the comprehensive flood management program;
5 and

6 2. For fiscal year 2023 and each fiscal year thereafter, equal
7 up to 50% of the total amount of money appropriated to the comprehensive flood
8 management program.

9 (iii) A grant awarded to a subdivision under this paragraph may be:

10 1. For an amount of up to 50% of the combined cost of
11 infrastructure repairs, watershed restoration, and emergency work associated with the
12 flood event;

13 2. Used for infrastructure repairs, watershed management,
14 or emergency protection work associated with the flood event; and

15 3. Used for expenses associated with item 2 of this
16 subparagraph that the subdivision has already incurred.

17 (iv) The Department shall prioritize awarding grants under this
18 paragraph to subdivisions in which:

19 1. Infrastructure damage occurred in an area designated by
20 the Maryland Historical Trust as an historic district; or

21 2. Infrastructure damage caused by a flood event has
22 occurred more than once within the previous 5 years.

23 (6) To receive a grant, the subdivision must participate in the national
24 flood insurance program.

25 (7) Before awarding a grant under paragraphs (2), (3), or (4) of this
26 subsection, the Department, in cooperation with the Department of Planning, shall review
27 the flood control and watershed management operations of the applicant subdivision to
28 assure that the flood control and watershed management operations are in compliance with
29 this subtitle.

30 (8) (i) **[The] FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR**
31 **THEREAFTER, THE** Governor ~~shall~~ **MAY** include in the annual State budget an
32 appropriation for the comprehensive flood management grant program of ~~at least~~ **[:**

33 1. For fiscal year 2021, \$3,000,000;

