

SENATE BILL 148

M3

SB 813/23 – EEE & B&T

(PRE-FILED)

4r1386

CF HB 449

By: ~~Senator A. Washington~~ Senators A. Washington, Augustine, Benson, Brooks, Hester, Jackson, Kagan, Lewis Young, McCray, Rosapepe, M. Washington, and Watson

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2024

CHAPTER _____

1 AN ACT concerning

2 **Comprehensive Flood Management Grant Program – Funding for Underserved**
3 **and Overburdened Communities and Areas at Extreme Risk of Flooding**

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 benefiting underserved or overburdened communities and certain other
7 areas in certain fiscal years; ~~requiring~~ authorizing the Governor to include in the
8 annual State budget an appropriation for the comprehensive flood management
9 grant program of at least a certain amount in certain fiscal years; and generally
10 relating to the comprehensive flood management grant program.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 5–803(h)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2023 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**

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 5-803.

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

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

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

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

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

19 2. Is not inconsistent with any State or interjurisdictional
20 flood management plan.

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

23 1. Adopt a specific and compatible response plan which has
24 been coordinated with local emergency management authorities and reviewed and
25 approved by the Department and the Maryland Department of Emergency Management;
26 and

27 2. Provide for financial and other commitments to properly
28 operate and maintain the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (8) (i) **[The] FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR**
13 **THEREAFTER, THE** Governor ~~shall~~ **MAY** include in the annual State budget an
14 appropriation for the comprehensive flood management grant program ~~of at least~~ **UP TO**:

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

16 2. For fiscal year 2022, \$3,000,000; and

17 3. For fiscal year 2023, \$2,000,000] **\$20,000,000.**

18 (ii) **IN EACH FISCAL YEAR, AT LEAST 40% OF FUNDING**
19 **PROVIDED UNDER THE COMPREHENSIVE FLOOD MANAGEMENT GRANT PROGRAM**
20 **SHALL BE USED FOR PROJECTS LOCATED IN OR DIRECTLY BENEFITING:**

21 **1. UNDERSERVED UNDERSERVED OR OVERBURDENED**
22 **COMMUNITIES, AS DEFINED IN § 1-701 OF THIS ARTICLE; AND**

23 **2. AREAS IN WHICH OVER 90% OF HOUSEHOLDS ARE AT**
24 **EXTREME RISK OF FLOODING IN THE NEXT 30 YEARS.**

25 (III) Funds not awarded from the comprehensive flood management
26 grant program by the end of a fiscal year:

27 1. Shall remain in the program; and

28 2. Are not subject to § 7-302 of the State Finance and
29 Procurement Article.

30 (9) (i) The Department, in consultation with the Department of
31 Planning, shall adopt regulations necessary for the administration of the grant program.

- 1 (ii) These regulations may include:
- 2 1. A determination of statewide and interjurisdictional needs
3 and priorities;
- 4 2. Standards of eligibility for applicants and projects;
- 5 3. Criteria for recognition of tidal and nontidal areas;
- 6 4. Engineering and economic standards and alternatives;
7 and
- 8 5. Procedures for filing and processing contents of
9 applications.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.