

HOUSE BILL 1427

M1, M3, R1

9lr3336

By: **Delegate Stein**

Rules suspended

Introduced and read first time: March 12, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Sea Level Rise Inundation and Coastal Flooding – Construction, Adaptation,**
3 **and Mitigation**

4 FOR the purpose of altering the application of certain design and siting criteria established
5 by the Coast Smart Council, in consultation with the Department of Natural
6 Resources and the Department of Transportation, to apply only to certain State and
7 local capital projects; altering the date beginning on which certain projects are
8 required to comply with certain design and siting criteria; requiring the Department
9 of Planning, in consultation with the Department of Natural Resources and the
10 Department of the Environment, on or before a certain date, to develop and publish
11 guidelines to assist local jurisdictions in the collection of data to establish certain
12 nuisance flooding baselines; extending the date by which a certain local jurisdiction
13 must develop a plan to address certain nuisance flooding; declaring the intent of the
14 General Assembly; requiring the Department of Budget and Management, the
15 Department of General Services, and the Department of Natural Resources to review
16 and incorporate certain criteria established by the Council into certain instructions
17 and policies; and generally relating to sea level rise inundation and coastal flooding.

18 BY repealing and reenacting, without amendments,

19 Article – Natural Resources

20 Section 3–1001(a) and (c)

21 Annotated Code of Maryland

22 (2018 Replacement Volume)

23 BY repealing and reenacting, with amendments,

24 Article – Natural Resources

25 Section 3–1006(a), 3–1009, and 3–1018

26 Annotated Code of Maryland

27 (2018 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Natural Resources**

4 3–1001.

5 (a) In this subtitle the following words have the meanings indicated.

6 (c) “Council” means the Coast Smart Council.

7 3–1006.

8 (a) The Council shall:

9 (1) Study and provide analysis regarding standards and factors relevant to
10 the establishment of Coast Smart siting criteria and design criteria;

11 (2) Develop siting and design criteria to establish and implement Coast
12 Smart practices and requirements;

13 (3) Develop eligibility criteria, standards, and procedures for applying for
14 and obtaining a waiver from compliance with the Coast Smart requirements; and

15 (4) Establish procedures for evaluating Coast Smart waiver applications
16 that include the consideration of proposed **CAPITAL** projects with regard to:

17 (i) The anticipated need to prepare for, respond to, and recover from
18 extreme weather events, sea level rise inundation, coastal flooding, storm surges, and
19 shoreline erosion; and

20 (ii) The need to prevent danger to life and property and to avoid
21 environmental, socio–economic, and economic harm.

22 3–1009.

23 (a) (1) This section applies to State and local **CAPITAL** projects for which at
24 least 50% of the project costs are funded with State funds.

25 (2) This section does not apply to a [public work contract of] **CAPITAL**
26 **PROJECT THAT COSTS** less than \$500,000.

27 (b) (1) Beginning July 1, [2019] **2020**, if a State or local **CAPITAL** project
28 includes the construction of a structure or highway facility, the structure or highway
29 facility shall be constructed in compliance with siting and design criteria established under
30 subsection (c) of this section.

1 (2) Beginning July 1, [2019] **2020**, if a State or local **CAPITAL** project
2 includes the reconstruction of a structure with substantial damage, the structure shall be
3 reconstructed in compliance with siting and design criteria established under subsection
4 (c) of this section.

5 (c) (1) The Council, in consultation with the Department and the Department
6 of Transportation, shall establish Coast Smart siting and design criteria to address sea
7 level rise inundation and coastal flood impacts on State and local **CAPITAL** projects.

8 (2) The criteria adopted under this subsection shall include:

9 (i) Guidelines and any other directives applicable to the preliminary
10 planning and construction of a proposed **CAPITAL** project;

11 (ii) A requirement that a structure be designed and constructed or
12 reconstructed in a manner to withstand the storm surge from a storm that registers as a
13 category 2 on the Saffir–Simpson hurricane wind scale, including a requirement for
14 structures to be constructed or reconstructed at a minimum elevation above the projected
15 storm surge; and

16 (iii) Provisions establishing a process to allow a unit of State or local
17 government to obtain a waiver from complying with the requirements of subsection (b) of
18 this section.

19 3–1018.

20 (a) **ON OR BEFORE OCTOBER 1, 2019, THE DEPARTMENT OF PLANNING, IN**
21 **CONSULTATION WITH THE DEPARTMENT AND THE DEPARTMENT OF THE**
22 **ENVIRONMENT, SHALL DEVELOP AND PUBLISH GUIDELINES TO ASSIST LOCAL**
23 **JURISDICTIONS IN THE COLLECTION OF DATA TO ESTABLISH NUISANCE FLOODING**
24 **BASELINES.**

25 (B) (1) On or before [July 1, 2019] **OCTOBER 1, 2020**, a local jurisdiction that
26 experiences nuisance flooding shall develop a plan to address nuisance flooding.

27 (2) A local jurisdiction shall update the plan required under paragraph (1)
28 of this subsection at least once every 5 years.

29 (3) A local jurisdiction shall publish the plans required under this
30 subsection on the local jurisdiction's website.

31 [(b)] (C) A local jurisdiction that develops a plan to address nuisance flooding
32 shall submit a copy of the nuisance flooding plan to the Department of Planning.

33 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
34 Assembly that, until the Coast Smart Council has adopted revised siting and design criteria

1 in accordance with the provisions of Section 1 of this Act:

2 (1) units of State government that propose capital projects for a new State
3 structure or the reconstruction of a substantially damaged State structure shall comply
4 with the siting and design criteria in the Coast Smart Construction Program adopted by
5 the Coast Smart Council in June 2015; and

6 (2) local capital projects and highway facilities are not subject to the siting
7 and design criteria in the Coast Smart Construction Program adopted by the Coast Smart
8 Council in June 2015.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Budget
10 and Management, the Department of General Services, and the Department of Natural
11 Resources shall review and incorporate criteria established by the Coast Smart Council
12 under the provisions of this Act into the appropriate instructions and policies.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2019.