

Coast Smart Legislation Update

CHAPTER 442 (2019)

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Overview

- **2014 Legislation: Chapter 415 (HB 615)**
 - Established Coast Smart Council; Council required to develop Coast Smart siting and design criteria
- **2015 Coast Smart Construction Program adopted by Council**
 - Detailed siting and design criteria; Categorical exception; Waiver process
- **2018 Legislation: Chapters 628 and 629 (HB 1350 / SB 1006)**
 - Highway facilities; Structures withstand Category 2 storm surge; Saltwater intrusion adaption plan; State funds for mitigation; Nuisance flooding plans
- **2018 Revised Coast Smart Construction Program adopted by Council**
 - Updated Appendix A: Coast Smart Assessment and Certificate
- **2019 Legislation: Chapter 442 (HB 1427)**

Quick Facts: 2019 Legislation

- House Bill 1427
- Title: Sea Level Rise Inundation and Coastal Flooding – Construction, Adaptation, and Mitigation
- Sponsor: Delegate Stein
- Approved by the Governor: 5/13/19
- Chapter 442 of the 2019 Laws of Maryland
- Effective Date: July 1, 2019

Chap. 442 (2019): 3 Types of Changes

1. Clarifies Applicability
2. Extends Deadlines
 - A. Revised Siting and Design Criteria
 - B. Nuisance Flooding Plans
3. Makes Technical Corrections

1. Applicability: Capital Projects

NR 3-1009.

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

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

2A. Siting & Design Criteria Deadline

NR 3-1009.

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

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

2B. Nuisance Flooding Plan Deadlines

NR 3-1018.

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

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

3. Technical Corrections

Section 2 of Chap. 442.

- Until the Council adopts revised siting and design criteria to comply with 2018 legislation, the current Coast Smart Construction Program applies
- Highway facilities are not subject to the current Coast Smart Construction Program

Section 3 of Chap. 442.

- Once the Council adopts revised siting and design criteria to comply with 2018 legislation, DBM, DGS and DNR will need to incorporate them into the appropriate instructions and policies

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