



House Bill 1350

Sea Level Rise Inundation and Coastal Flooding – Construction, Adaptation, Mitigation, and Disclosure

MACo Position: **OPPOSE**

To: Environment and Transportation Committee

Date: March 7, 2018

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 1350. The bill would impose potentially costly and unnecessary mandates on county governments relating to sea level rise and coastal flooding.

HB 1350 would: (1) add new requirements to the Coast Smart siting and design criteria; (2) subject local projects to the Coast Smart criteria if the State funds at least 30% of the project; (3) require local jurisdictions subject to nuisance flooding to draft a plan to address the flooding and submit the plan to the Maryland Department of Planning (MDP) for approval once every 5 years; (4) require MDP to establish a saltwater intrusion adaptation plan; (5) require the Board of Public Works to establish criteria for when state funds may be used for sea level rise and coastal flooding mitigation; and (6) require real estate vendors to provide notice to potential purchasers of certain property vulnerable to sea level rise.

MACo's opposition is predicated on the nuisance flooding requirement and application of the Coast Smart criteria to projects where the majority of funding is provided by local governments. MACo does not have any objections or concerns to the rest of the bill's provisions.

Local governments should have the ability to address nuisance flooding through whatever mechanism they desire, regardless of whether it is a plan, ordinance, rule, or policy. Preparing and submitting a formal plan to MDP for approval increases county costs and risks MDP imposing costly, unnecessary, or ill-fitting mandates on a county. Counties best understand their local needs and requirements.

Additionally, a county government that fails to address nuisance flooding issues risks incurring the ire of its residents; such an unresponsive government would likely be voted out of office during the next election cycle. Similarly, it is not in the financial interest of a county government to be the majority investor in a project that will be destroyed or severely damaged by sea level rise or coastal flooding. County governments are very cognizant about incorporating best practices into both project design standards and long-term infrastructure plans. The bill's mandate is not needed.

The local mandates in HB 1350 are unnecessary, disrupt existing efforts, and could be potentially costly for county governments. Unless MACo's concerns are addressed, MACo requests the Committee give HB 1350 an **UNFAVORABLE** report.