



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Acting Housing Commissioner

Date: March 23, 2021

Re: City Council Bill 21-0040 Floodplain Management Code - Revision

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 21-0040 for the purpose of modifying the City laws governing floodplain management to meet or exceed requirements for eligibility in the National Flood Insurance Program and other requirements of Federal and State law; incorporating certain flood-resistant design and construction standards adopted by the American Society of Civil Engineers; defining and redefining certain terms; repealing redundant, obsolete, or otherwise superfluous provisions; correcting and conforming certain obsolete nomenclature; providing for a special effective date; and generally relating to the protection, maintenance, and enhancement of the public health, safety, and welfare through floodplain management.

The City must adopt the new Digital Flood Insurance Rate Map and Code update by June 16, 2021 in order to remain in compliance with the requirements of the National Flood Insurance Program, which makes available federally subsidized flood insurance to Baltimore residents. This revision to the Flood Plain Management Code is necessary to protect property owners by clarifying requirements, incorporating flexibility and maintaining participation with the National Flood Insurance Program.

City Council Bill 21-0040 would make various changes to the Natural Resources Article, the Zoning Article and the Building, Fire, and Related Codes (BFRC). Related to DHCD, this legislation proposes several changes to the recently enacted BFRC, which went into effect May 18, 2020. If enacted, CCB 21-0040 would update Chapter 1 (Scope and Administration) of the BFRC; by clarifying language in Section 107, which addresses submittal documents required with a site plan, and replaces the language “Design Flood Elevations” with “Flood Protection Elevations.”

The legislation would also remove redundant language, in several locations of the BFRC including; Chapter 1 Section 110 (Inspections), Chapter 16 (Structural Design) Section 1603 (Construction Documents - Flood Design Data), and Chapter 1 Section 109 (Floodplain inspections) of Part X of the IRC, by deleting “including the basement” in favor of “on placement of the lowest floor.” This language is redundant and is no longer needed.

Additionally, CCB 21-0040 would make a change to Part X of the International Residential Code related to the climatic and geographic design criteria for termites in Table 301.2(1) Chapter 3 (Building Planning) Section 301 (Design Criteria), from defining decay as “Slight to Moderate” to “Moderate to Heavy.”

Finally, the legislation updates various flood hazard effective dates such as; Entry into National Flood Insurance Program, Flood Insurance Study and Panel numbers and dates of currently effective FIRM.

DHCD does not anticipate an operational or fiscal impact from the revisions proposed in Council Bill 21-0040. The legislation will allow the City to remain in compliance with the requirements of the National Flood Insurance Program and will ensure efficient and flexible building design and construction that will protect the health and safety of our City and encourages the use of the latest studies and data for flood plain management.

DHCD **supports** the passage of City Council Bill 21-0040.

AK/sm

cc: Ms. Nina Themelis, *Mayor’s Office of Government Relations*