

An Act Establishing a Massachusetts Flood Risk Protection Program



*Nor'Easter in Winthrop, MA
Photo credit: Erin Connolly*

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Section 1

Creates a statewide Flood Risk Protection Program to be coordinated between the executive offices of energy and environmental affairs, housing and economic development, and public safety and security.

Section 2: Definitions

Defines ‘contiguous properties,’ ‘cluster properties,’ ‘environmental justice population,’ ‘flood risk,’ and ‘nature-based solutions.’

Section 3: Program Eligibility

Outlines eligible projects including property that is a flood risk (as defined), property used for residential, nonprofit, or small business purposes, and projects that also receive funding from the federal emergency management agency.



Winter storm Riley - Lynn, MA. (Photo credit: Sanghwan Kim)

Section 4: Program Requirements

Outlines requirements to ensure the program is fair, equitable and voluntary. Ensures that property be acquired from a willing seller; the owner is paid pre-loss fair market value; and at least 75% of program funds low-income homeowners or owners within an environmental justice (EJ) population. Requires acquired properties to be conserved in perpetuity and maintained as open space for public access and benefit – nothing permanent can be constructed unless critical to a nature-based solutions project.

Section 5: Statewide Flood Risk Assessment and Standards

Requires state agencies to consult with technical experts, use the best available data, create a statewide assessment of flood risk, and develop standards to prioritize projects including those owned by low income property owners and EJ

populations; clustered or contiguous properties; that protect the health and safety of neighbors; and protect, restore and enhance habitat, fisheries, agricultural lands, drinking water supplies, ecosystem services, and that offer recreational opportunities for public use.

Section 6: Roles and Responsibilities

Outlines the roles of each secretariat from energy and environmental affairs, housing and economic development, and public safety and security.

Section 7: Flood Risk Protection Program Trust Fund

Creates a new fund to support the FRPP. Although this bill does not create new, dedicated funds, there exists \$20 million in the 2014 Environmental Bond and \$30 million in the 2018 Climate and Environment Bond that could be used for coastal buyout projects.¹ Future monies deposited in the FRPP Trust Fund can be used for acquisition and related fees; demolition, removal and disposal of buildings and structures (historical and archaeological resources receive special consideration); relocation assistance for homeowners and renters; and site restoration and stabilization including nature-based solutions that enhance climate resiliency and restore and conserve fish and wildlife habitat. Local Community Preservation Act funding can also be leveraged for buyout projects.

Section 8: Regulations

Requires the promulgation of regulations within six months after the bill becomes a law.

Section 9: Interagency Coordination

Requires the three secretariats to consult with the existing environmental justice advisory council, global warming solutions act implementation advisory committee, and other stakeholders including homeowners, tenants, insurers, and municipal officials.

Nationally, the US Federal Emergency Management Agency (FEMA) has funded managed retreat in over 1,100 counties across 49 states, acquiring more than 40,000 properties - a small fraction of the estimated 49 million housing units in shoreline counties.² Climate change is likely to require managed retreat at much larger scales. Real estate worth \$1.4 trillion is already located within 700 feet of the US coast, and sea-level rise alone is projected to affect 4–13 million Americans.³

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¹ See line 2000-7064 in Chapter 209 of 2018, <https://malegislature.gov/laws/sessionlaws/acts/2018/chapter209pdf>

² <https://www.sciencedirect.com/science/article/pii/S2590332219300806#bib12>

³ *ibid*