

HOUSE No. 4744

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 9, 2022.

The committee on Environment, Natural Resources and Agriculture to whom were referred the petition (accompanied by bill, Senate, No. 603) of Marc R. Pacheco, Bruce E. Tarr, Carmine Lawrence Gentile, Steven S. Howitt and other members of the General Court for legislation to establish a Massachusetts Flood Risk Protection Program the petition (accompanied by bill, House, No. 983) of Sarah K. Peake and others relative to establishing a Massachusetts flood risk protection program, reports recommending that the accompanying bill (House, No. 4744) ought to pass.

For the committee,

MINDY DOMB.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to create a commission to determine the feasibility of voluntary acquisition of flood risk properties and structures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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2 SECTION 1. (a) Notwithstanding any general or special law to the contrary, there shall
3 be established a commission known as the voluntary acquisition of flood risk properties
4 commission, which shall assess the advantages and disadvantages of voluntary acquisition of
5 flood risk properties and structures across the commonwealth, examine the feasibility of such a
6 program, and identify the components of such a program. The secretary of energy and
7 environmental affairs and the director of the Massachusetts emergency management agency shall
8 jointly implement and oversee the commission’s work.

9 (b) The commission shall consist of the following members or their designee: the
10 secretary of energy and environmental affairs, who shall serve as chair; the director of the
11 Massachusetts emergency management agency, who shall serve as co-chair; the secretary of the
12 executive office of housing and economic development; the director of the bureau of relocation;
13 the commissioner of the department of environmental protection; the director of coastal zone

14 management; the director of the division of ecological restoration; the director of the department
15 of conservation and recreation flood management program; the minority leader of the senate; the
16 minority leader of the house; and the house and senate chairs of the joint committee on
17 environment, natural resources and agriculture.

18 (c) The commission shall include nine (9) additional members appointed by the chair; 1
19 of whom shall be a representative of a statewide land conservation organization, 1 of whom shall
20 be a representative of a river protection organization, 1 of whom shall be a representative of a
21 statewide wildlife protection organization, 1 of whom shall be a representative of an
22 environmental justice organization, 1 of whom shall be a representative of a housing justice
23 organization, 1 of whom shall be a representative of an organization with expertise in hazard
24 insurance, 1 of whom shall be a representative of an organization with expertise in mortgages, 1
25 of whom shall have academic expertise in climate data and flooding, 1 of whom shall be a
26 representative of a regional planning agency in a flood risk area. The members of the
27 commission shall be appointed not later than 30 days after the effective date of this act and shall
28 serve until the completion of the report described in paragraph (g).

29 (d) The chairs of the joint committee on public safety and homeland security, and the
30 chairs of the joint committee on housing, or their designees, shall be observers to the commission
31 and shall be invited to all meetings of the commission.

32 (e) The commission shall seek and use the best available climate data and models, and
33 sea level rise, tidal, coastal, riverine flooding data and models, to present an understanding of the
34 current and future flood risk to inland and coastal property in the commonwealth.

35 (f) The commission shall examine and make recommendations regarding the feasibility
36 and establishment of a flood risk reduction program that focuses on the voluntary acquisition of
37 flood risk properties and structures, that ensures that structures would be demolished, and the
38 land would be permanently conserved and restored to serve as a natural buffer against future
39 storms and floods, and accessible to the public when safe. Such an analysis would also describe
40 the necessary components of such a program, including a process for, and the feasibility of,
41 relocating homeowners and/or tenants.

42 In determining the feasibility of such a program, the commission shall consider the
43 following: (i) creating program eligibility and whether it is restricted to residential property;
44 (ii) identifying program funding, including but not limited to the calculation of fair market value,
45 cost effectiveness, the availability of federal funding and flood insurance, and funding sources
46 for education, outreach, acquisition, demolition, restoration, and relocation; (iii) determining
47 priority acquisition areas (including clusters of flood-prone homes and neighborhoods); (iv)
48 identifying factors that affect program outcomes with regard to the sale of property and the
49 consensual and voluntary relocation of owners and tenants; (v) assessing disproportionate
50 impacts of floods and relocation on low-income homeowners and tenants; (vi) determining the
51 feasibility and affordability of voluntary and consensual relocation of homeowners and tenants;
52 (vii) describing criteria to select participating neighborhoods and communities, including
53 prioritization of low and moderate income property owners, environmental justice populations,
54 and unintended consequences of targeting such communities; (viii) recommending eligible
55 entities that could acquire and own conserved properties in flood risk areas; (ix) facilitating
56 safety and public access in flood risk areas; (x) assessing the opportunity for significant
57 environmental enhancement to public health, safety and welfare and fish and wildlife habitat;

58 (xi) identifying nature-based solutions to protect, restore, and create sustainable resilient natural
59 areas and outdoor recreation opportunities on acquired property; (xii) making recommendations
60 on how to offset community disruption resulting from said program while prioritizing
61 community preservation; and (xiii) assessing the potential benefits of such a program to
62 impacted communities and the Commonwealth.

63 (g) All meetings of the commission shall be open to the public. The commission shall
64 hold at least one public listening session with a remote participation option. The commission
65 shall convene its first meeting no later than March 1, 2023.

66 The commission shall file a report along with findings, recommendations and
67 accompanying drafts of legislation necessary to carry those recommendations into effect, if any,
68 with the clerks of the house of representatives and the senate, the joint committee on
69 environment, natural resources and agriculture, the joint committee on public safety and
70 homeland security, and the joint committee on housing, not later than December 1, 2023.

71 SECTION 2. Section 1 shall take effect on January 5, 2023.