

SENATE No. 557

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying resolve:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/10/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/10/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/21/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/21/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/13/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>3/27/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/27/2023</i>
<i>Pavel Payano</i>	<i>First Essex</i>	<i>12/28/2023</i>

SENATE No. 557

By Mr. Pacheco, a petition (accompanied by resolve, Senate, No. 557) of Marc R. Pacheco, Michael O. Moore, Thomas M. Stanley, Julian Cyr and other members of the General Court that provisions be made for an investigation and study by a special commission (including members of the General Court) to determine the feasibility of voluntary acquisition of flood risk properties and structures. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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

1 **Resolved**, there shall be established a commission known as the voluntary acquisition of
2 flood risk properties commission, which shall assess the advantages and disadvantages of
3 voluntary acquisition of flood risk properties and structures across the commonwealth, examine
4 the feasibility of such a program, and identify the components of such a program. The climate
5 chief in the office of climate innovation and resilience, the secretary of energy and
6 environmental affairs, and the director of the Massachusetts emergency management agency
7 shall collectively implement and oversee the commission's work.

8 The commission shall consist of the following members or their designee: the climate
9 chief in the office of climate innovation and resilience, who shall serve as co-chair, the secretary
10 of energy and environmental affairs, who shall serve as co-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 The commission shall include ten (10) additional members appointed by the chair; 1 of
19 whom shall be a representative of a statewide land conservation organization, 1 of whom shall be
20 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
24 homeowner property and casualty insurance licensed in the commonwealth, 1 of whom shall be a
25 representative of an organization with expertise in mortgages, 1 of whom shall have academic
26 expertise in climate data and flooding, 1 of whom shall be a representative of a regional planning
27 agency in a flood risk area and 1 of whom shall be a professional engineer licensed in
28 Massachusetts. The members of the commission shall be appointed not later than 30 days after
29 the effective date of this act and shall serve until the completion of the report described in
30 paragraph (g).

31 The chairs of the joint committee on public safety and homeland security, and the chairs
32 of the joint committee on housing, or their designees, shall be observers to the commission and
33 shall be invited to all meetings of the commission.

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

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

In determining the feasibility of such a program, the commission shall consider the following: (i) creating program eligibility and whether it is restricted to residential property; (ii) identifying program funding, including but not limited to the calculation of fair market value, cost effectiveness, the availability of federal funding and flood insurance, and funding sources for education, outreach, acquisition, demolition, restoration, and relocation; (iii) determining priority acquisition areas (including clusters of flood-prone homes and neighborhoods); (iv) identifying factors that affect program outcomes with regard to the sale of property and the consensual and voluntary relocation of owners and tenants; (v) assessing disproportionate impacts of floods and relocation on low-income homeowners and tenants; (vi) determining the feasibility and affordability of voluntary and consensual relocation of homeowners and tenants; (vii) describing criteria to select participating neighborhoods and communities, including prioritization of low and moderate income property owners, environmental justice populations, and unintended consequences of targeting such communities; (viii) recommending eligible

entities that could acquire and own conserved properties in flood risk areas; (ix) facilitating safety and public access in flood risk areas; (x) assessing the opportunity for significant environmental enhancement to public health, safety and welfare and fish and wildlife habitat; (xi) identifying nature-based solutions to protect, restore, and create sustainable resilient natural areas and outdoor recreation opportunities on acquired property; (xii) making recommendations on how to offset community disruption resulting from said program while prioritizing community preservation; and (xiii) assessing the potential benefits of such a program to impacted communities and the Commonwealth.

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

The commission shall file a report along with findings, recommendations, and accompanying drafts of legislation necessary to carry those recommendations into effect, if any, with the clerks of the house of representatives and the senate, the joint committee on environment, natural resources and agriculture, the joint committee on public safety and homeland security, and the joint committee on housing, not later than June 1, 2024.

Section 1 shall take effect on July 5, 2023.