

**NOAH AND HIS ARK NEED A BETTER GPS!  
Revising Baltimore's Floodplain Management Code**

By Eric Kunimoto

In accordance with the requirements of the National Flood Insurance Program (NFIP), Baltimore City is adopting new floodplain maps and revising its Floodplain Management Code. The NFIP is regulated by the Federal Emergency Management Agency (FEMA), which completed a new tidal study of the Chesapeake Bay and developed new tidal floodplain maps and regulations in 2012. Baltimore City is required to adopt the new maps and regulations no later than April 2, 2014 or risk forfeiting membership in the NFIP and associated disaster relief funds from the federal government.

As a result, the Baltimore City Council has introduced legislation (Bill Nos. 14-303 and 14-304) to adopt FEMA's new maps and regulations. Specifically, the Bills adopt new regulated flood plain boundaries, update language in the floodplain code to meet the latest standards for flood protection, and include new development regulations that maximize safety. Overall, the Bills have the effect of better preparing Baltimore for future sea-level rise and reducing flood insurance rates.

The new, proposed Flood Insurance Rate Map, which identifies the areas within the 100-year and 500-year floodplain zones, is available online at <http://bmorecity.wix.com/baltcityfloodplain>. As a result of these new floodplain maps, many properties that are not currently within the floodplain will be within the new 500-year floodplain areas due to the increase in sea-levels, particularly at locations closest to the coastline, such as Fells Point. Development within floodplain areas is subject to regulations that are aimed at preventing and reducing flood damage, but the Floodplain Management Code also gives property owners a right to apply for a variance to certain development regulations. Finally, the NFIP's Community Rating System allows communities to reduce flood insurance premiums rates by engaging in voluntary floodplain management activities that exceed the minimum NFIP requirements.

Property owners, developers, and investors should carefully review City Council Bill Nos. 14-303 and 14-304 to determine the impact of this legislation on their properties, as the new maps and regulations are expected to become effective prior to April 2, 2014. For more information about how the legislation might impact a specific property or development project, whether discounts to the insurance premiums are available, or if variances to certain development regulations could be pursued, please contact Stanley Fine, Caroline Hecker, or Eric Kunimoto.

For any of your other real estate needs, please contact an attorney in our real estate group:

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