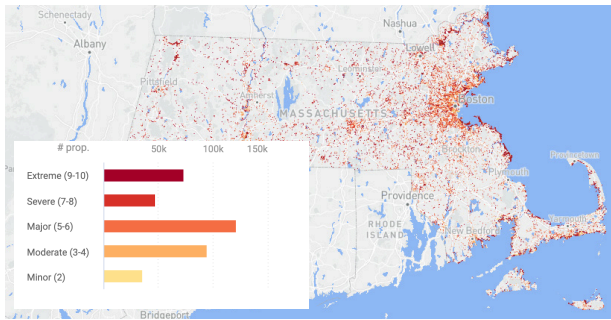


# An Act to create a commission to determine the feasibility of voluntary acquisition of flood risk properties

## Climate Adaptation and Flood Risk

Sea level rise and other climate change impacts such as more frequent and intense storms are leading to increased flooding and other hazards. Adapting to climate impacts depends on lawmakers' willingness to act now to manage unavoidable flood risk today – and into the future.



Flood Factors across Massachusetts. (Courtesy of FloodFactor.com)

An estimated 162,798 residential properties and 12,918 miles of roads are currently at risk of flooding in Massachusetts<sup>1</sup>, and the state is ranked third in the nation for its number of affordable housing units threatened by coastal flooding.<sup>2</sup>

To protect against flood risk, property owners, developers and state and local agencies historically relied on fixed barriers such as walls and armoring. In recent decades there has been a shift toward softer engineered solutions like beach nourishment. However, fixed barriers are not always effective at managing severe or repetitive flooding caused by rivers, rainfall, storm surge, tides, and sea level rise.

## Property Buyouts

Property owners, tenants, local communities, and policy makers are increasingly looking for affordable and feasible solutions for adapting to climate change impacts, particularly flooding. One tool is voluntary property buyouts, which can provide relief to those experiencing repeated damage.<sup>3</sup> Buyouts are a sustainable climate adaptation and coastal and floodplain management strategy involving property owners selling their homes and moving out for good. When a property is acquired under a planned and well-coordinated buyout program, the residents relocate away from flood prone areas, structures are removed, and the land permanently conserved - eliminating the risks and costs associated with flooding and rebuilding while restoring rivers, flood plains,

salt marsh, dunes and beaches and creating a climate resilient landscape.

While uprooting can be difficult, property buyout programs are entirely voluntary, and state and local governments can help to relocate residents. They are attractive to some, as relocating permanently protects people, businesses, infrastructure and first responders from climate change impacts as they become more frequent, intense, and hazardous. Also, buyouts may be the only solution available for those with few other options - including low-income homeowners, tenants and Environmental Justice populations<sup>4</sup> who may face skyrocketing flood insurance premiums in the face of increasing flood risk, or who cannot afford to continuously rebuild after extreme weather hits.

Buyouts are a one-time investment to acquire property and help owners and renters relocate to safer ground. These projects provide widespread and sustainable environmental and public open space benefits as the land is conserved and restored to its natural coastal and floodplain functions, which buffers local communities from costly future climate impacts. Natural areas may also provide critical ecosystem services, such as drinking water supply protection and habitat conservation, as well as outdoor recreational opportunities.<sup>5</sup>

The Federal Emergency Management Agency's (FEMA) Building Resilient Infrastructure and Communities (BRIC) program supports similar projects by offering pre-disaster hazard mitigation funds.<sup>6</sup> However, federal funds are limited, and it can take up to a decade to facilitate a FEMA project. Massachusetts needs a statewide buyout<sup>7</sup> program to support needs that FEMA may not address, and to leverage federal, public, and private investments. We would not be the first state to create such a program. The New Jersey Blue Acres program has purchased properties across 16 cities and towns, spending \$190 million to acquire more than 700 properties and demolish 665 homes.<sup>8</sup>

State lawmakers enacted environmental bond bills in 2014 and 2018 that together authorize \$50 million for a coastal buyback program.<sup>9</sup> However, while the Commonwealth has created a statewide climate adaptation management plan<sup>10</sup> a comprehensive, voluntary buyout program does not yet exist.

<sup>1</sup> First Street Foundation, Third National Flood Risk Assessment, <https://bit.ly/3ASgz6u>

<sup>2</sup> Massachusetts Affordable Housing at Risk, [https://www.climatecentral.org/uploads/media/AH\\_State\\_Factsheet\\_MA.pdf](https://www.climatecentral.org/uploads/media/AH_State_Factsheet_MA.pdf)

<sup>3</sup> Property buyout is also referred to as buyback, strategic realignment, managed retreat, planned relocation and resettlement.

<sup>4</sup> As defined by Chapter 62 of Section 30 of the Massachusetts General laws.

<sup>5</sup> Lincoln Institute, Buy-In for Buyouts, <https://www.lincolninstitute.edu/sites/default/files/pubfiles/buy-in-for-buyouts-full.pdf>

<sup>6</sup> <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities>

<sup>7</sup> For example, see Action 8-B: Support the implementation of a voluntary program that would facilitate the buy-back of high hazard or storm-damaged properties in Mass Coastal Erosion Commission Report, <https://www.mass.gov/files/documents/2016/12/v1/cec-final-report-dec2015-v1.pdf>

# Massachusetts Flood Risk Protection Bills

Senator Marc Pacheco is the chief sponsor of the [Massachusetts Flood Risk Protection Program](#) legislation that would create a new statewide voluntary property buyout program.

[Representative Sarah Peake](#) and [Senator Pacheco](#) have also filed a new bill to create a “voluntary acquisition of flood risk properties commission.” The commission would assess the advantages and disadvantages of voluntary acquisition of flood risk properties and structures across the commonwealth, examine the feasibility of such a program, and identify its components. The state climate chief, secretary of energy and environmental affairs, and the director of the Massachusetts emergency management agency would jointly implement and oversee the commission’s work.

The ultimate goal of both bills is to eliminate the risk of catastrophic flood damage to individuals, families, small business, neighborhoods, infrastructure and first responders, and to help property owners and renters to move out of harm’s way, while permanently conserving and restoring lands and waters to restore habitat and climate resiliency functions and provide outdoor recreational opportunities for the public.

## Case Studies

Massachusetts communities are facing increased threats of flooding due to sea level rise and storm surge. Residents can explore an online tool to learn more about properties at flood risk in their communities by visiting [floodfactor.com](#). To look at the risk faced by coastal communities specifically, visit [riskfinder.climatecentral.org](#). To explore a list of other floodplain tools, programs, and mapping, visit: [mass.gov/guides/floodplain-management](#).

### State of New Jersey: Blue Acres Buyout Program

“In May 2013, Governor Christie designated the Blue Acres program, which is part of New Jersey’s Department of Environmental Protection, to operate the state’s entire post-Sandy acquisition effort. The Governor’s goal was, and remains, to use \$300 million in federal disaster recovery funds to purchase clusters of storm-damaged homes or flooded neighborhoods from willing homeowners at pre-storm value. These homes are then demolished and preserved in perpetuity as open space, to serve as a natural buffer against future storms and floods. To date, Blue Acres has successfully secured over \$273 million in federal disaster

recovery funds for acquisitions, including \$169 million from FEMA’s Hazard Mitigation Grant Program (HMGP); \$100 million from the U.S. Department of Housing and Urban Development’s Community Development Block Grant – Disaster Recovery program; and \$4 million from the U.S. Department of Agriculture – Natural Resources Conservation Service.”<sup>11</sup>

### Charlotte-Mecklenburg County, North Carolina: Floodplain Buyout Program

“Since 1999, Storm Water Services has purchased over 400 flood-prone houses, apartment buildings and businesses that were in floodplains throughout Charlotte-Mecklenburg. Over 700 families and businesses have moved to less vulnerable locations



*Flooding in Charlotte, NC after heavy rain in 2011. (Photo courtesy Charlotte Fire Department / CC BY 2.0)*

outside of local floodplains. 185 acres of public open space has been “undeveloped” to allow the floodplain to function during heavy rain and provide a long-term community asset. Storm Water Services also estimates these buyouts have avoided \$25 million in losses and will ultimately avoid over \$300 million in future losses the first 12 years of the program were funded exclusively through Federal grants with local matching funding. Currently, the annual investment in buyouts is \$4 million and most buyouts are funded completely with local money.”<sup>12</sup>

### Harris County, Texas: Flood Control District Local Buyout Program

“Since the Flood Control District’s voluntary buyout program began in 1985, nearly 2,500 structures have been purchased with federal grants (98% from FEMA). Over 1,035 properties (65% with structures) have been purchased with Flood Control District funds. As a result, nearly 1,300 acres have been restored to their natural and beneficial function as a floodplain and millions of dollars in flood damages avoided. These properties will never flood again – the only properties for which we can make such a guarantee.”<sup>13</sup>

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<sup>8</sup> Managing Retreat from Rising Seas, [https://www.georgetownclimate.org/files/MRT/GCC\\_20\\_NewJersey-3web.pdf](https://www.georgetownclimate.org/files/MRT/GCC_20_NewJersey-3web.pdf)

<sup>9</sup> See line 2000-7060 in 2014 Environmental Bond, <https://malegislature.gov/Bills/188/H4375>, and line 2000-7064 in 2018 Environment and Climate Bond, <https://malegislature.gov/laws/sessionlaws/acts/2018/chapter209>

<sup>10</sup> <https://www.mass.gov/adapting-to-climate-change>

<sup>11</sup> <https://www.fema.gov/>

<sup>12</sup> <https://www.charlottenc.gov/>

<sup>13</sup> <https://www.hcfcfd.org/>