

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 34

(Delegate Bouchat, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

Municipalities - Open Drainage Inlets - Inventory and Improvements (Mason's Law)

This bill requires municipalities to: (1) inventory the number and location of all publicly and privately owned existing open drainage inlets in the municipality by July 1, 2027; (2) develop a prioritization plan for making improvements to publicly and privately owned existing open drainage inlets by April 1, 2028; (3) notify a private property owner with a privately owned existing open drainage inlet of the requirements to install improvements on privately owned existing drainage inlets by April 1, 2028; and (4) make improvements to all publicly and privately owned existing open drainage inlets identified in the prioritization plan, as specified, within the municipality by April 1, 2031. Municipalities are responsible for the cost of installing improvements on publicly and privately owned existing drainage inlets and may apply to the Comprehensive Flood Management Grant Program within the Maryland Department of the Environment (MDE) to cost-share a portion of the installation costs. Beginning in fiscal 2029 through 2031, MDE must annually allocate \$250,000 of grant program funds to be used as matching grants to municipalities for improvements to existing open drainage inlets. Any new open drainage inlet installed within the municipality must have an approved grating system.

Fiscal Summary

State Effect: The bill is not anticipated to affect State finances and operations, as discussed below. Overall funding to MDE's Comprehensive Flood Management Grant Program is not affected.

Local Effect: Potential significant increase in expenditures for most or all municipal governments to implement the updates to drains and inlets as mandated by the bill. Municipal revenues may increase to the extent matching grants are received from MDE. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: After a municipality has installed an approved grating system on a privately owned existing open drainage inlet, the municipality is *not* responsible for maintaining the improvements and cannot be held liable for incidents arising out of the maintenance of an approved grating system.

Definitions

An “approved grating system” means a cover placed over the opening of an “open drainage inlet” in order to allow stormwater runoff to enter the drainage inlet while preventing large debris from entering the drainage inlet. This includes: (1) a standard yard inlet; (2) a raised grate yard inlet; (3) a trash rack grating, as specified; and (4) for new drainage inlets, a precast concrete box incorporated into the construction of the drainage inlet.

An “open drainage inlet” means a structure with a surface opening that has a diameter of 12 inches or more and is designed to collect and drain stormwater runoff, including an open headwall structure attached to a culvert.

An open drainage inlet does not include: (1) a grate inlet; (2) a curb inlet; (3) a combination curb and grate inlet; (4) a surface-level drainage tunnel with only one surface-level inlet and one direct surface-level outlet; (5) a slotted inlet; or (6) a culvert located on an open drainage highway.

A “privately owned existing open drainage inlet” means an inlet that is located on private property and was installed before October 1, 2026.

A “publicly owned existing open drainage inlet” means an inlet owned and maintained by the municipality that was installed before October 1, 2026.

A publicly owned existing open drainage inlet does not include inlets owned or maintained by a federal entity, State entity, or school board or inspected by MDE.

Authorized Improvements

The bill establishes that improvements to a publicly or privately owned existing open drainage inlet can include the installation of (1) an approved grating system secured to the inlet end of the open drainage inlet or the concrete structure used to house the drainage inlet in such a way as to prevent the grating system from being removed by the force of

flood water, and removable only by using appropriate tools or (2) fencing that obstructs at least 50% of any opening and is designed and installed in a manner that would not allow a person to enter the open drainage inlet.

Authorization to Enter Private Property

A municipality may enter private property to (1) complete the inventory of the number and location of all publicly and privately owned existing open drainage inlets in the municipality and (2) install an approved grating system.

Exempted Drainage Inlets

A municipality is not required to add improvements to any publicly or privately owned existing open drainage inlet that do not pose a legitimate risk to public safety or if the upgrades would significantly impair the hydraulic capacity of the drainage system.

Prioritization Plan

The prioritization plan developed by a municipality must prioritize making improvements to publicly and privately owned existing open drainage inlets that pose the greatest risk to public safety. For open drainage inlets that the municipality deems to not pose a legitimate public safety risk, the prioritization plan must include an explanation of the reasons each existing open drainage inlet was excluded from the plan.

Current Law: Municipal governments in Maryland spent approximately \$300 million on transportation services and programs, including ordinary maintenance of roads, in fiscal 2024 ([Local Government Finances Report](#) – Page 295). Most municipalities receive transportation related funding from the Local Highway User Revenues Program, with the municipal share of funding totaling \$65.6 million in fiscal 2027 ([State Aid Overview Report](#) – Page 31).

Definitions

A “highway” includes, among other things, (1) roadway surfaces; (2) drainage facilities and structures; and (3) any other structures forming an integral part of a street, road, or highway. A “state highway” is a public highway owned by the State.

Express Powers of Municipalities

Title 5, Subtitle 2 of the Local Government Article describes the general authority and express powers granted to municipalities. Generally, a municipality may adopt ordinances that (1) assures the good government of the municipality; (2) protect and preserve the

municipality's rights, property, and privileges; (3) preserve peace and good order; (4) secure persons and property from danger and destruction; and (5) protect the health, comfort, and convenience of the residents of the municipality. However, an ordinance adopted by a municipal government may not conflict with State law.

Comprehensive Flood Management Grant Program

MDE's Comprehensive Flood Management Grant Program was established as a component of the Flood Hazard Management Act of 1976 to promote the development of local flood management plans, fund the studies of watersheds, and support capital projects for flood control and watershed management. The grant program was unfunded and dormant from calendar 2002 until 2019, when capital budget funding was provided again. Since then, the Capital Improvement Program (CIP) has included funding for the grant program each year. The Governor's fiscal 2027 through 2031 CIP includes \$9.5 million in Strategic Energy Investment Fund special funds and \$4.4 million in general obligation (GO) bond funding for the program in fiscal 2027 and \$10.0 million annually in GO bond funding for the program from fiscal 2028 through 2031.

State Expenditures:

State Highway Administration

The State Highway Administration (SHA) advises that the bill will have a significant fiscal and operational impact due to the requirement that any new open drainage inlet installed in a municipality be equipped with an approved grating system.

For illustrative purposes only, a preliminary analysis by SHA has identified approximately 23,000 drains adjacent to State highways located within, or adjacent to, municipal boundaries which may require grates under the bill if future SHA projects impact them. SHA advises that the cost to upgrade each drain would total approximately \$80 million and would be spread out over an indeterminate number of years.

The Department of Legislative Services (DLS) disagrees, and for the purposes of this analysis assumes that the scope of the bill is limited to (1) drains and inlets within municipal authority to regulate and (2) excludes assets within a municipality that are controlled by SHA. However, to the extent that SHA is required to install approved grating systems on drainage inlet they upgrade or construct within a municipality the bill creates a potentially significant fiscal and operational impact for SHA.

Maryland Department of the Environment

From fiscal 2029 through 2031, MDE is required to annually allocate \$250,000 of the money appropriated to the Comprehensive Flood Management Grant Program to local

matching grants under the bill. However, the overall funding for the grant program is not affected and MDE can likely handle any increase in grant applications with existing budgeted resources.

Local Expenditures: Municipalities in Maryland comprise approximately 359 square miles (not including Baltimore City), which is 3.7% of the total land area of the State. Frederick City is the largest municipality in both land area and population and has a land area of approximately 24 square miles, while the smallest municipalities are less than a half of a square mile ([Local Government Finances Report](#) – Pages 351-353).

Expenditures for municipal governments may increase by a potentially significant amount beginning in fiscal 2027, with initial costs reflecting the development of an inventory of affected open drainage inlets and on-going costs reflecting potential upgrades to existing drainage inlets. However, to the extent municipalities apply for, and receive, matching grants from the Comprehensive Flood Management Grant Program, the total fiscal impact may be less than anticipated. Based on currently available information, DLS is unable to determine an exact cost at this time since a reliable estimate on the number of affected drains and available grant funding, beyond the \$250,000 reserved for matching funds from fiscal 2029 through 2031, is not known. This analysis is based on the following information provided by SHA, the Maryland Municipal League (MML), and the City of Annapolis.

State Highway Administration

According to a preliminary analysis conducted by SHA, and *for illustrative purposes only*, there are approximately 23,000 drains adjacent to State highways within municipal boundaries that may require a grate under the provisions of the bill. Based on recent projects SHA has undertaken, the cost to install a grate to the specifications of the bill is between \$1,500 and \$2,000 per unit. SHA suggests that local projects may have lower upgrade costs relative to State controlled inlets and drains, depending on their size, condition, and staffing availability in the municipality.

DLS notes that the preliminary analysis by SHA: (1) only identifies State controlled assets, which are excluded from the definition of a publicly owned existing open drainage inlet; (2) does not provide an indication as to how many identified drains would require upgrades; and (3) excludes drains that are not connected to roads and highways within a municipality. DLS further notes that a large portion of the urban areas within Maryland are not located within a municipality, such as Baltimore and Howard counties. In addition, Anne Arundel (1.8%), Montgomery (7.1%), and Prince George's (11.6%) counties are heavily urbanized but contain limited land area within a municipality.¹

¹ The percentages refer to the proportion of land in the county that is located within a municipality.
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Maryland Municipal League

MML advises that the most significant fiscal impact to municipalities will be the one-time expenditures needed to retrofit existing inlets by the bill's deadline (April 1, 2031), which may require the allocation of additional budgetary resources or reprioritization of infrastructure spending. MML also notes that these expenditures may be partially offset by long-term reductions in maintenance needs, decreased blockages, and enhanced public safety.

City of Annapolis

The City of Annapolis advises that, in addition to the costs of erecting grates as specified by the bill, surveying the drains in the city to identify drains needing upgrades would be a significant expense, especially given the timeline established by the bill.

Additional Considerations Impacting Local Expenses

DLS notes that the number of drains needing grates may not be evenly distributed across municipalities, and to the extent that urban and suburban municipalities have a higher number of noncompliant drains, those municipalities may face significantly higher costs compared to more rural municipalities.

Additional Comments: On July 31, 2025, a 13-year-old boy drowned when, during an extreme flooding event, he became stuck in an open drain outside of an apartment complex in Mount Airy, Maryland (a municipality located in both Carroll and Frederick counties).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 189 (Senator Lewis Young) - Education, Energy, and the Environment.

Information Source(s): Maryland Department of Transportation; Maryland Municipal League; City of Annapolis; Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2026
jg/tso Third Reader - April 3, 2026
Revised - Amendment(s) - April 3, 2026

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