

GEORGETOWN CLIMATE CENTER

Local Ordinances for Climate Adaptation & Mitigation | Oct. 2025



Local Ordinances to Address Freeboard Standards

Potential for implementation in Maryland, New York, Connecticut, and Maine

The flood risk mitigation practices we detail above may be adopted by local governments in Connecticut, Maine, Maryland, and New York. Each of these states has statewide guidelines for floodplain management, but localities are permitted to adopt higher, more protective standards. In Maine, Maryland, and New York, increased freeboard standards require authorization by a state government agency when going beyond the federal minimum. They are often implemented through building permits, state or city laws, and/or the floodplain management entity for the jurisdiction. Here we will compare the environmental and political conditions across these four states to assess the viability of implementing the floodplain management practices we recommend.

Connecticut

Statewide, Connecticut incorporates sea-level rise into floodplain management by requiring buildings¹ in the 100-year floodplain to be elevated two feet above flood levels. Additionally, critical infrastructure is regulated in the 500-year floodplain. These standards are enforced through the state buildings code. In its 2018 “Floodplain Building Elevation Standards” paper, the Connecticut Institute for Resilience and Climate Adaptation (CIRCA) suggests² freeboard values for different types of buildings based on their service lives. In line with the practices we suggest here, the paper highlights the importance of planning for sea-level rise and considering locally relevant coastal hazards, such as wave effects and erosion on the shores of Long Island Sound. In the state, both coastal and inland towns regulate development in the floodplain — many localities go beyond the NFIP minimum requirement for freeboard standards, according to a 2022 report³ by the Western Connecticut Council of Governments (West COG). A handful of jurisdictions have already updated their flood planning to the 500-year floodplain. Localities are empowered to update their flood standards through the Connecticut General Statutes.⁴

Maine

Maine abides by the NFIP minimum standards for floodplain management at the state level. The state model ordinance⁵ suggests one to three feet of elevation above the 100-year flood level for buildings, but this is not required or codified. If a locality decides to adopt a higher freeboard standard than the state/federal minimum, they may do so with review from the Department of

¹ *Chapter 476a Flood Management*, Connecticut General Assembly (2019)
https://www.cga.ct.gov/current/pub/chap_476a.htm

² William R. Rath, Christopher P. Kelly & Kristie A. Beahm, *Floodplain Building Elevation Standards: Current Requirements & Enhancement Options for Connecticut Shoreline Municipalities*, UConn School of Law, Center for Energy & Environmental Law (May 1, 2018)
<https://circa.media.uconn.edu/wp-content/uploads/sites/1618/2018/03/Floodplain-Building-Elevation-Standards.pdf>

³ *Flooding in Connecticut: A Status Report on Municipal Flood Prevention Standards*, Western Connecticut Council of Governments (Mar. 29, 2021)
<https://westcog.org/wp-content/uploads/2022/03/Flooding-in-Connecticut-Flood-Prevention-Standards.pdf>

⁴ *Chapter 124: Zoning*, Connecticut General Assembly (Accessed Sept. 2025)
https://www.cga.ct.gov/current/pub/chap_124.htm#sec_8-2

⁵ *Floodplain Ordinances & Permit Forms: How do I know which ordinance is right for my town?*, Maine Department of Agriculture, Conservation & Forestry (2021)
<https://www.maine.gov/dacf/flood/ordinances.shtml>

Agriculture, Conservation, and Forestry Floodplain Management Program.⁶ In 2019, Governor Janet Mills and the Maine Legislature established the Maine Climate Council⁷, which publishes the “Maine Won’t Wait” statewide climate plan (see the 2024 iteration).⁸ Per the plan and state emissions targets, Maine is committed to managing 1.5 feet of sea-level rise by 2050, and 3.9 feet by 2100. It is also preparing to manage up to 3.3 feet in 2050 and 8.8 feet in 2100. The Climate Council recommends that the state plan through 2150. Recently, Maine has passed comprehensive legislation⁹ for hazard mitigation, including the creation of a State Resilience Office which will house programs such as “Flood Ready Maine.” Increased funds and capacity for floodplain management and hazard mitigation established by the state legislature¹⁰ should benefit coastal and riverine communities across the state.

Maryland

At the state level, Maryland laws mandate that no new buildings be built in the 100-year floodplain,¹¹ and when a variance is granted, buildings must be elevated two feet above 100-year flood levels and be able to withstand the impact of a Category 2 hurricane. Localities may adopt higher floodplain standards with guidance from the Maryland Department of the Environment Water and Science Administration. Maryland Sea Grant and the Maryland Department of Natural Resources suggest (but do not mandate) incorporating local sea-level

⁶ *Id.*

⁷ *About the Maine Climate Council*, State of Maine Governor’s Office of Policy Innovation and the Future (2023) <https://www.maine.gov/future/climate/council>

⁸ *A Four-Year Plan for Climate Action: Maine Won’t Wait*, Maine Climate Council (Nov. 2024) https://www.maine.gov/climateplan/sites/maine.gov.climateplan/files/2024-11/MWW_2024_Book_112124.pdf

⁹ Joshua Saks, *Issue Brief | States Leading the Way on Climate* (May 13, 2025) Adaptation <https://www.georgetownclimate.org/articles/states-leading-the-way-on-climate-adaptation.html>

¹⁰ *An Act to Increase Storm Preparedness for Maine’s Communities, Homes and Infrastructure*, Adaptation Clearinghouse (Apr. 22, 2025) <https://www.adaptationclearinghouse.org/resources/an-act-to-increase-storm-preparedness-for-maine-s-communities-homes-and-infrastructure.html>

¹¹ § 3-1009. *Coast Smart siting and design*, Maryland Code and Court Rules, Thomas Reuters Westlaw (2019) [https://govt.westlaw.com/mdc/Document/NC9AF4E5088DD11E98AADD96C898F760?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/NC9AF4E5088DD11E98AADD96C898F760?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

rise trends when designing flood-resilient infrastructure.¹² Every five years, the University of Maryland Center for Environmental Sciences produces updated sea-level rise projections for the state, as required by the Maryland Commission on Climate Change Act of 2015. In line with our recommendations above, the guide accompanying the state sea-level rise projections¹³ suggests choosing the higher elevation value when presented with multiple options to further mitigate future flood risk. The Maryland Department of Natural Resources additionally runs the CoastSmart program,¹⁴ which meets quarterly and provides resources to localities to plan for flooding and sea-level rise.

New York

At the state level, New York's Uniform Code¹⁵ requires that buildings be elevated at least two feet above the 100-year flood level. Municipalities may increase their flood protection beyond the Uniform Code (e.g., higher freeboard) by contacting the New York State Division of Building Standards and Codes for support, per the New York State Department of State.¹⁶ Outside of New York City, proposed floodplain standards that go beyond the Uniform Code must seek approval from the State Fire Prevention and Building Code Council.¹⁷ Additionally, the 2014 New York Community Risk and Resilience Act¹⁸ required the Departments of State and Environmental Conservation to develop model laws for resilience, which were completed in 2019.¹⁹ One such collection of model laws deals with floodplain development (Chapter 4:

¹² Kate McClure, Sasha Land & Kate Vogel, *Guidance for Using Maryland's 2023 Sea Level Rise Projections*, Maryland Department of Natural Resources (Jul. 2024) https://dnr.maryland.gov/ccs/Documents/SLR_Guidance_July2024.pdf

¹³Id.

¹⁴ *Maryland CoastSmart Council*, Maryland Department of Natural Resources Watershed & Climate Services (Accessed Sept. 2025) <https://dnr.maryland.gov/ccs/Pages/CoastSmart-Council.aspx>

¹⁵ *Management of Floodplain Development*, New York State Department of State (Jun. 2019) https://dos.ny.gov/system/files/documents/2020/06/4_management-of-floodplain-development_all.pdf

¹⁶ Ibid, at 19

¹⁷ *Legal Memorandum LG07: The Uniform Code and Local Authority*, New York State Department of State (Accessed Sept. 2025) <https://dos.ny.gov/legal-memorandum-lg07-uniform-code-and-local-authority>

¹⁸ *New York Community Risk and Resiliency Act (S06617B)*, Adaptation Clearinghouse (Sept. 22, 2014) <https://www.adaptationclearinghouse.org/resources/new-york-community-risk-and-resiliency-act-s06617b.html>

¹⁹ Id.

Management of Floodplain Development).²⁰ These model laws suggest expanding the flood hazard zone beyond the 100-year floodplain and adopting a New York-specific “high” sea-level rise projection for planning. The 2020 New York State Flood Risk Management Guidance²¹ from the New York State Department of Environmental Conservation recommends that freeboard values take into account local sea-level rise conditions, and designing infrastructure with the most strict freeboard option.

Conclusions

As the climate continues to change, the risks posed to communities and the infrastructure they rely upon will only grow. Climate adaptation is a critical investment in the future of flood-prone coastal and riverine localities.²² National organizations, states, and localities alike have developed unique guidelines for building elevation that go beyond the NFIP minimum requirements. The roadmap for these models are publicly available and have been shown to mitigate flood risk for coastal and riverine communities. In Connecticut, Maine, Maryland, and New York, ordinances can go further than what is required by the NFIP or the state to address local flooding conditions and sea-level rise. Localities are able to take on higher floodplain standards in each of these states. There are plenty of communities already taking action – these are good places to start building a connected framework of flood-prone localities with more protective standards.

To develop robust, locally-specific freeboard standards for flood-resilient infrastructure, we recommend developing an ordinance that includes several elements. At the local level, the flood hazard area may be expanded to the 500-year floodplain (beyond the standard 100-year floodplain). City councils and commissions can use community engagement and property owner education to identify a shared planning horizon and future sea-level curve for floodplain development. Overall, future climate conditions (such as precipitation and hurricane risk, but

²⁰ *New York Model Local Laws to Increase Resilience (Chapter 4: Management of Floodplain Development)*, Adaptation Clearinghouse (Jun. 2019) <https://www.adaptationclearinghouse.org/resources/new-york-model-local-laws-to-increase-resilience-chapter-4-management-of-floodplain-development.html>

²¹ *New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act*, New York State Department of Environmental Conservation (Aug. 2020) https://extapps.dec.ny.gov/docs/administration_pdf/craffloodriskmgmtgdn.pdf

²² Carter Brandon, Bradley Kratzer, et al., *The Compelling Investment Case for Climate Adaptation*, World Resources Institute (Jun. 3, 2025) <https://www.wri.org/insights/climate-adaptation-investment-case>

especially sea-level rise) can be incorporated into planning, and used to help identify priority action areas with designated design standards. Finally, when presented with multiple freeboard options (e.g., federal, state, local, or other overlapping guidance), decisionmakers should consider always using the higher elevation value.

About this Research

This memo is part of the *Local Ordinances for Climate Adaptation & Mitigation* series produced by the Georgetown Climate Center with support from the Esther A. & Joseph Klingenstein Fund.

[Learn more on the Georgetown Climate Center website.](#)

Cover image: Elevated houses along the New Jersey shoreline. Creative Commons License.