

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 919

(Delegate Lafferty, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Land Use - Plans - Development and Adoption

This bill, applicable to noncharter counties and municipalities, authorizes the legislative body of a local jurisdiction to adopt, modify, remand, or disapprove (1) the whole comprehensive plan recommended by the planning commission or a part of the plan; (2) a comprehensive plan for one or more geographic sections or divisions of the local jurisdiction; or (3) an amendment to the comprehensive plan. Public hearing requirements are established (1) for the legislative body before adoption or modification of a plan or plan amendment and (2) for the planning commission before submitting a new recommended plan after a plan or plan amendment is remanded or disapproved by the legislative body. The legislative body is also authorized to hold a public hearing before remanding or disapproving a plan or plan amendment. The time for a legislative body to act before the recommendation of a planning commission is considered approved is extended from 60 days to 90 days, with the availability of no more than one 60-day extension by resolution of the legislative body.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill does not have a direct, material impact on local government finances.

Small Business Effect: None.

Analysis

Current Law/Background: Local jurisdictions are required to enact, adopt, amend, and execute a comprehensive plan in accordance with State law. Certain elements must be included in a comprehensive plan and additional permissive elements may be included. A comprehensive plan also must include or implement specified visions stated in the law. At least once every 10 years, the planning commission of a local jurisdiction must review the comprehensive plan and, if necessary, revise or amend the plan to include all required elements and the specified visions. A planning commission may prepare comprehensive plans for one or more geographic sections or divisions of the local jurisdiction if each plan is reviewed and, if necessary, revised or amended at least once every 10 years.

The Maryland Department of Planning describes a comprehensive plan as “a document, officially adopted by the local governing body, which spells out the manner in which a municipality, county, or sub-area of a county must develop.” The local jurisdiction’s zoning, provision of water and sewer facilities, and other actions must be consistent with the plan’s recommendations.

A November 2014 Attorney General opinion concluded that, in noncharter counties and municipalities, a legislative body of a local jurisdiction does not have the authority to adopt material changes to a comprehensive plan or plan amendment prepared and approved by the planning commission. The opinion instead indicated that the legislative body’s ability to influence changes to a plan or plan amendment is limited to voting against adoption and sending the plan or plan amendment back to the planning commission with recommendations for revision.

Additional Information

Prior Introductions: None.

Cross File: SB 551 (Senator Rosapepe, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Planning; Caroline and Montgomery counties; cities of Bowie and Takoma Park; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2015
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Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510