

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 421 (Senator Peters, *et al.*)
Education, Health, and Environmental Affairs

Counties - Historic Preservation - Development Limitation

This bill authorizes a charter or code county to authorize an improvement to real property that abuts or is adjacent to religious property only if (1) there is a buffer of at least 600 feet between the improvement and the religious property; (2) all capital projects proposed by the county for the *Consolidated Transportation Program (CTP)* adjacent to the real property to be improved have been completed; (3) any municipality where the real property is located, or to which the real property is adjacent, and the State Highway Administration, as needed, approve of the improvement; (4) the owner of the real property to be improved covenants with the owner of the religious property that any bells or chimes may continue to ring in the same or similar manner that they have previously rung; and (5) the owner of the real property to be improved is financially responsible for any improvement that the religious property must make as a result of the improvement to real property.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: The bill is not anticipated to materially impact State operations or finances.

Local Effect: The bill is not anticipated to materially impact local government operations or finances.

Small Business Effect: Potential meaningful, as discussed below.

Analysis

Bill Summary: Under the bill, “religious property” means real property that (1) is owned by a religious institution and (2) has been occupied continuously by one or more religious institutions since the eighteenth century.

Current Law/Background: Maryland counties operate under three forms of government: commission; charter home rule; and code home rule. Commission counties cannot enact local laws in areas where the General Assembly has not expressly granted authority, while charter counties have the authority to enact local laws. Code counties have authority to enact some local laws, but their power is not as extensive as charter home rule so the General Assembly must pass some local laws for code counties. **Exhibit 1** shows the form of government for each Maryland county and Baltimore City.

Exhibit 1 Forms of County Governments in Maryland

<u>Charter</u>	<u>Code</u>	<u>Commission</u>
Anne Arundel	Allegany	Calvert
Baltimore City*	Caroline	Carroll
Baltimore	Charles	Garrett
Cecil	Kent	St. Mary’s
Dorchester	Queen Anne’s	Somerset
Frederick	Worcester	Washington
Harford		
Howard		
Montgomery		
Prince George’s		
Talbot		
Wicomico		

* Although a municipality, Baltimore City operates under the charter home rule form of government.
Source: Department of Legislative Services

Historic Preservation

Charter and code counties have the authority to enact laws for historic and landmark zoning and preservation (1) generally; (2) in accordance with Title 8 of the Land Use Article; or (3) to be administered by a Historic District Commission. A law enacted under this authority may provide for appeals or judicial review. This authority is in addition to any

charter provision or local law that authorizes planning and zoning. As shown above, 17 of Maryland's 23 counties and Baltimore City exercise charter home rule or code home rule.

Consolidated Transportation Program

The CTP is the Maryland Department of Transportation's (MDOT) six-year budget for the construction, development, and evaluation of transportation capital projects; the CTP must be revised annually to reflect updated information and changing priorities. It contains a list of current and anticipated major and minor capital projects for the fiscal year it is issued and for the next five fiscal years, including (1) an expanded description of major capital projects; (2) a detailed breakdown of the costs of a project with project expenditures to date, expected expenditures for the current fiscal year, projected annual expenditures for the next five years, and total project costs; and (3) MDOT's estimates of the source (*i.e.*, federal funds, special funds, etc.) and amount of revenues required to fund the project.

Small Business Effect: To the extent a small business owner is prevented from improving real property as a result of the bill's restrictions, the bill may have a meaningful negative fiscal impact. However, as the bill likely applies in only a limited number of circumstances, the overall impact is expected to be negligible.

Additional Information

Prior Introductions: None.

Cross File: HB 583 (Delegates Valentino-Smith and Holmes) - Environment and Transportation.

Information Source(s): Baltimore City; Caroline, Montgomery, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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mm/kdm

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