

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 980

(Prince George's County Delegation)

Environment and Transportation

Education, Health, and Environmental Affairs

**Prince George's County - Public Ethics - Payments and Transfer and Zone
Intensification Requests
PG 416-21**

This bill exempts members of the Prince George's County Council from specified participation restrictions when participating in a proceeding that is part of a countywide zoning map amendment recommended by the Prince George's County Planning Board, where the intent is to implement an approved general plan by repealing and replacing all zoning categories applicable to land in Prince George's County. In addition, the bill generally prohibits, during the period when the District Council of Prince George's County is adopting and approving a countywide zoning map amendment, the planning board from recommending, and the district council from approving, specified zone intensification requests that differ substantially from the applicable zoning category or classification recommended in the Proposed Guide to New Zones adopted by the district council. Finally, the bill requires a member who receives a payment or transfer from an applicant, agent, or entity that requests a specified zone intensification to (1) return the payment or transfer and (2) make note in the public record of the returned payment or transfer before the adoption of the countywide zoning map amendment. **The bill takes effect July 1, 2021, and terminates December 31, 2022.**

Fiscal Summary

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

Local Effect: The bill does not directly affect Prince George's County finances.

Small Business Effect: None.

Analysis

Current Law: The Maryland Public Ethics Law generally prohibits a member of the county council from voting or participating in any way in the proceeding on an application for a land use decision in Prince George's County if the member's treasurer or continuing political committee, or a slate to which the member belongs or belonged during the 36-month period before the filing of the application, received a payment during the 36-month period before the filing of the application or during the pendency of the application from any of the applicants or the agents of the applicants.

An applicant or an agent of the applicant may not make a payment to a member of or candidate for the county council, or a slate that includes a member of or candidate for the county council, during the pendency of the application. After an application is filed, an applicant must file (and supplement, if needed) an affidavit under oath regarding any payments made, or solicited to be made, during the 36-month period before the filing of the application or during the pendency of the application.

“Application,” as it applies to the above provisions, means:

- an application for (1) a zoning map amendment; (2) a special exception; (3) a departure from design standards; (4) a revision to a special exception site plan; (5) an expansion of a legal nonconforming use; (6) a revision to a legal nonconforming use site plan; or (7) a request for a variance from the zoning ordinance;
- an application to approve (1) a comprehensive design plan; (2) a conceptual site plan; or (3) a specific design plan; or
- participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the county council or the planning board, where the intent is to intensify the zoning category applicable to the land of the applicant.

“Applicant” is defined as an individual or a business entity that is:

- a title owner or contract purchaser of land that is the subject of an application;
- a trustee that has an interest in land that is the subject of an application, excluding a trustee described in a mortgage or deed of trust; or
- a holder of at least a 5% interest in a business entity that has an interest in land that is the subject of an application but only if (1) the holder of at least a 5% interest has substantive involvement in directing the affairs of the business entity with an interest in the land that is the subject of an application with specific regard to the

disposition of that land or (2) the holder of at least a 5% interest is engaged in substantive activities specifically pertaining to land development in Prince George’s County as a regular part of the business entity’s ongoing business activities.

Statute further specifies certain categories of individuals and entities that are included in, or excluded from, the definition of “applicant.”

Council Resolution 27-2019

In July 2019, the county council, sitting as the district council, adopted Council Resolution 27-2019 directing the Maryland-National Capital Park and Planning Commission to prepare a countywide sectional map amendment (CMA) for Prince George’s County in accordance with specified requirements; approving specified goals and guidelines; and approving the proposed [Guide to New Zones](#) as the decision matrix for the CMA.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Prince George’s County; Maryland Department of Planning; State Ethics Commission; Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2021
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