

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1320 (Delegate Mossburg, et al.)
Commerce and Government Matters

Vested Development Rights

This bill establishes vested development rights at the time a landowner files a subdivision plat for recordation; a county or municipal government may not require a landowner to waive this right as a condition of approval for the subdivision plat. Development rights remain vested for at least seven years; they may remain vested beyond this time under specified circumstances.

Once a vested development right is established, a local government may not alter the permitted density, intensity, and use of the property as set forth in the zoning ordinance unless there is a threat to public health and safety, or the landowner intentionally supplied inaccurate information. If a county or municipality fails to recognize a vested development right, the landowner may seek relief in the courts.

Fiscal Summary

State Effect: None.

Local Effect: Potential indeterminate increase in expenditures; revenues would not be affected. **This bill imposes a mandate on a unit of local government.**

Fiscal Analysis

Local Effect: To the extent that development pressures prompt changes in local public works' policies between the time that a subdivision plat is filed and the time that the property is actually developed, local expenditures could potentially increase to accommodate stormwater drains, roadside curbs, or other infrastructure needs that were not required when the plat was filed. If the development rights affect water and sewer taps, costs for "committed" capacity could also increase. Local governments may incur some

administrative expenditures in keeping track of the applicable codes and regulations that apply to each development project.

In addition, a local jurisdiction may incur significantly increased legal costs if landowners decide that the jurisdiction is failing to recognize vested development rights and pursue litigation.

Information Source(s): Office of Planning, Allegany County, City of Westminster, Department of Fiscal Services

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