

HOUSE BILL 1436

L2

EMERGENCY BILL

71r3417

CF 71r3418

By: **Delegate Donoghue**

Rules suspended

Introduced and read first time: March 14, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Zoning and Land Use – Actions Concerning Hospitals**
3 **and Medical Campuses – Bonds and Other Security**

4 FOR the purpose of requiring a certain party to a certain appeal of a zoning action of
5 the Board of County Commissioners of Washington County or a decision of the
6 Board of Appeals of Washington County relating to land use that concerns
7 hospitals or medical campuses to post a certain bond or other security under
8 certain circumstances; requiring a circuit court to hold a certain hearing to
9 determine the amount of a certain bond or other security; providing for the
10 calculation of a certain bond or other security; providing that a certain appeal
11 shall be deemed to delay a construction project for a certain time period under
12 certain circumstances; requiring a certain court to issue a certain order under
13 certain circumstances; requiring a certain party to post an additional bond
14 under certain circumstances; prohibiting certain persons from being required to
15 post a bond under certain circumstances; making this Act an emergency
16 measure; and generally relating to appeals of a zoning action of the Board of
17 County Commissioners of Washington County or appeals of a decision of the
18 Board of Appeals of Washington County.

19 BY adding to

20 Article 66B – Land Use

21 Section 14.08.1

22 Annotated Code of Maryland

23 (2003 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 66B – Land Use**

4 **14.08.1.**

5 (A) (1) **THIS SECTION ONLY APPLIES IN WASHINGTON COUNTY.**

6 (2) **THIS SECTION ONLY APPLIES TO:**

7 (I) **AN APPEAL OF A ZONING ACTION BY THE BOARD OF**
8 **COUNTY COMMISSIONERS OF WASHINGTON COUNTY, INCLUDING A TEXT**
9 **AMENDMENT OF THE ZONING ORDINANCE OR A ZONING MAP AMENDMENT; OR**

10 (II) **AN APPEAL OF A DECISION OF THE BOARD OF APPEALS**
11 **OF WASHINGTON COUNTY RELATING TO LAND USE THAT CONCERNS HOSPITALS**
12 **OR MEDICAL CAMPUSES.**

13 (B) **EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, A**
14 **PARTY TO AN APPEAL UNDER THIS SECTION SHALL POST A BOND OR DEPOSIT**
15 **WITH THE CIRCUIT COURT OTHER SECURITY IN AN AMOUNT CALCULATED IN**
16 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION IF A CONSTRUCTION**
17 **PROJECT FOR A HOSPITAL OR MEDICAL CAMPUS SHALL BE, OR IS REASONABLY**
18 **LIKELY TO BE, SUBJECT TO:**

19 (1) **INCREASED COSTS DUE TO A DELAY OF THE PROJECT;**

20 (2) **AN INABILITY TO SECURE NECESSARY FINANCING DUE TO A**
21 **CONTINGENCY IMPOSED BY A LENDER OR BOND ISSUER WHICH MAY ONLY BE**
22 **SATISFIED BY THE RESOLUTION OF LITIGATION RELATING TO THE PROJECT OR**
23 **ANY ACTION AFFECTING THE PROJECT; OR**

24 (3) **INCREASED ANTICIPATED INTEREST PAYMENTS DUE TO THE**
25 **PENDENCY OF LITIGATION RELATING TO, OR DIRECTLY AFFECTING, THE**
26 **PROJECT.**

27 (C) (1) **THE COURT SHALL HOLD A HEARING TO DETERMINE THE**
28 **AMOUNT OF THE BOND OR OTHER SECURITY POSTED IN ACCORDANCE WITH**

1 **SUBSECTION (B) OF THIS SECTION WITHIN 10 DAYS AFTER A PARTY REQUESTS**
2 **THE HEARING.**

3 **(2) THE AMOUNT OF THE BOND OR OTHER SECURITY SHALL BE**
4 **EQUAL TO THE AMOUNT OF THE REASONABLY ANTICIPATED COST INCREASE,**
5 **INCLUDING ADDITIONAL INTEREST COST OVER THE LIFE OF ANY ANTICIPATED**
6 **FINANCING OR BOND ISSUANCE DUE TO A DELAY OF THE PROJECT.**

7 **(D) AN APPEAL UNDER THIS SECTION SHALL BE DEEMED TO DELAY A**
8 **CONSTRUCTION PROJECT FOR A PERIOD OF 24 MONTHS, UNLESS OTHERWISE**
9 **REBUTTED.**

10 **(E) IF THE PARTY FAILS TO POST A BOND OR OTHER SECURITY WITH**
11 **THE CIRCUIT COURT WITHIN 15 DAYS AFTER THE DETERMINATION OF THE**
12 **AMOUNT TO BE PAID, THE COURT SHALL ISSUE AN ORDER DISMISSING THE CASE**
13 **WITHOUT PREJUDICE.**

14 **(F) ON AN APPEAL OF A DECISION OF THE CIRCUIT COURT, THE PARTY**
15 **SHALL POST ADDITIONAL BOND OR SECURITY IN THE AMOUNT OF \$100,000.**

16 **(G) A PERSON ENGAGED IN THE CONSTRUCTION OF A HOSPITAL OR**
17 **MEDICAL CAMPUS OR THE BOARD OF COUNTY COMMISSIONERS FOR**
18 **WASHINGTON COUNTY MAY NOT BE REQUIRED TO POST A BOND OR OTHER**
19 **SECURITY IN ACCORDANCE WITH THIS SECTION.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
21 measure, is necessary for the immediate preservation of the public health or safety,
22 has been passed by a yea and nay vote supported by three-fifths of all the members
23 elected to each of the two Houses of the General Assembly, and shall take effect from
24 the date it is enacted.