

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 213

(Delegate McDermott, *et al.*)

Environmental Matters

Local Government - Permit Review and Explanation of Denial

This bill requires that if a municipality or county requires a permit for the construction, alteration, repair, installation, or demolition of a building or structure or a related electrical, gas, mechanical, or plumbing system, within a reasonable time after a permit application is filed, an official of the municipality or county must examine the application for compliance with specified requirements, approve or deny the application, and, if the application is denied, provide a written explanation that includes a citation to a specific section of law or regulation with which the application is not in compliance.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in local permitting expenditures depending on the jurisdiction's current permitting practice. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: State statute does not specifically require local governments to approve or deny certain local permits within a reasonable time and to provide a written explanation of a permit denial.

Title 13 of the Local Government Article contains regulatory authority granted to counties, including building and housing codes as well as plumbing codes.

Title 20, Subtitle 5, Part IV of the Land Use Article provides for expedited building permits in Prince George's County. In addition, Title 8, Subtitle 3 of the Land Use Article provides for permitting with regards to the construction and rehabilitation of certain historic structures in the State.

Local Fiscal Effect: Potential minimal increase in county and municipal permitting expenditures depending on the current permitting practice of each jurisdiction. The amount of any expenditure increase cannot be reliably estimated at this time.

In Baltimore City, a building official must examine all applications within a reasonable time after the application is filed. If the application or work does not conform to the requirements of the city code, the building official must reject the application in writing and indicate the reasons for the rejection.

The City of Hagerstown advises that it does not deny permits, but rather requests additional information when code issues arise and then works with the applicants to modify their plans so a permit can be issued.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, City of Hagerstown, Department of Housing and Community Development, Maryland Association of Counties, Maryland Municipal League, Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2014
mam/hlb

Analysis by: Michael Sanelli

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