

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1321

(Charles County Delegation)

Environment and Transportation

Education, Energy, and the Environment and
Budget and Taxation

**Land Use - Southern Maryland Code Counties - Subdivision Regulations -
Property Dedication and Fee**

This bill authorizes a code county in the Southern Maryland class, as established in the Local Government Article, to provide in the county's subdivision regulations for (1) the dedication of real property for recreation or (2) in lieu of dedication, the payment of a fee to be used by the county for the purchase, development, and improvement of real property for recreational facilities.

Fiscal Summary

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

Local Effect: Charles County revenues and expenditures may increase, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Code Counties – Southern Maryland Class

Under the Local Government Article, a code county means a county that has adopted code home rule under Article XI-F of the Maryland Constitution. There are four classes of code counties, based on the geographic region of the State where the county is located. The

Southern Maryland class consists of Calvert, Charles, and St. Mary's counties (to the extent those counties have adopted code home rule). Unless limited to one or more classes, a public general law enacted by the General Assembly that applies to code counties applies to each code county, regardless of class.

Charles County is currently the only county in the Southern Maryland class that has adopted code home rule.

Code Counties – Development Impact Fees

Under § 20-701 of the Local Government Article, by public local law, the county commissioners of a code county may impose development impact fees to finance any of the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development.

Division I of the Land Use Article – Subdivision Regulations

Under Division I of the Land Use Article, before exercising specified subdivision powers, a local jurisdiction's planning commission must recommend subdivision regulations to the legislative body for the health, safety, welfare, and common interest of the citizens of the local jurisdiction. The subdivision regulations may include provisions for the purposes of, among other things, adequately and conveniently placing public school sites and open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, and access to light and air. "Legislative body" means the elected body of a local jurisdiction, including the board of county commissioners, the county council, and the governing body of a municipal corporation.

Pursuant to provisions of Division I that apply specifically to Charles County, the subdivision regulations in Charles County may provide for the reservation of property for traffic, recreation, or other public purposes. A reservation of property may not continue for longer than three years without the written approval of all persons with a legal or equitable interest in the property.

Local Fiscal Effect: Charles County revenues and expenditures may increase to the extent the county uses the authority under the bill and fees are collected in lieu of dedication of real property for recreation under the county's subdivision regulations. However, it is not clear to what extent the authority under the bill to provide for payment of fees provides the county with authority beyond the existing development impact fee authority under § 20-701 of the Local Government Article.

Small Business Effect: The bill may have a meaningful impact on small business developers to the extent Charles County uses the authority in the bill and requires, under

its subdivision regulations, dedication of real property for recreation or payment of a fee in lieu of dedication of property. However, similar to the Local Fiscal Effect, it is not clear to what extent the authority under the bill provides the county with authority beyond existing law.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Charles and St. Mary's counties; Maryland Association of Counties; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2024
km/sdk Third Reader - March 18, 2024

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