

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1364

(Prince George's County Delegation and Montgomery
County Delegation)

Environment and Transportation

Maryland-National Capital Park and Planning Commission - Montgomery
County - People's Counsel for Land Use Planning
PG/MC 112-24

This bill requires the Montgomery County Executive to appoint a People's Counsel for Land Use Planning. The bill establishes the purpose and qualifications of the people's counsel and requires adequate funding for the people's counsel to be included in the Maryland-National Capital Park and Planning Commission (M-NCPPC) budget.

Fiscal Summary

State Effect: None.

Local Effect: M-NCPPC expenditures increase by at least \$165,700 in FY 2025, by at least \$210,200 in FY 2026, and by similar, ongoing amounts in future years. M-NCPPC revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Appointment and Purpose

The bill requires the Montgomery County Executive to appoint a People's Counsel for Land Use Planning to (1) represent the public interest of county residents in proceedings

related to land use planning; (2) ensure fairness to populations that have been traditionally underrepresented in the county land use planning process; and (3) ensure that a complete public record is established for proceedings related to land use planning. “Land use planning” includes master planning, zoning, and development review.

The people’s counsel may not represent a private individual or interest group in any proceeding.

Qualifications

The people’s counsel must (1) be admitted to practice law in the State; (2) have at least five years of experience in the practice or teaching of law; and (3) have substantial experience with land use legal issues and procedures.

Funding

M-NCPPC must include adequate funding for the people’s counsel in its annual operating budget proposal, and the Montgomery County Council must approve the funding for the people’s counsel included in the commission’s budget proposal.

Current Law:

Maryland-National Capital Park and Planning Commission

M-NCPPC is established in State law as a body politic and corporate and an agency of the State, and serves various planning, zoning, development review, and parks and recreation functions in Montgomery and Prince George’s counties. M-NCPPC is a 10-member commission, consisting of 5 members from Montgomery County and 5 members from Prince George’s County, with the commissioners from each county serving as the Montgomery County Planning Board and the Prince George’s County Planning Board, respectively.

The Commission’s Budget

M-NCPPC prepares annual operating and capital budgets for each fiscal year that must be submitted to the county executives of Montgomery and Prince George’s counties by January 15 of each year. In Montgomery County, the county executive must then submit the proposed budgets to the county council, together with the county executive’s recommendations, by March 1 of each year (in Prince George’s County, the deadline is April 1). Each county council must hold a public hearing on the proposed budgets and, by June 1 of each year, approve the portion of the budgets allocable to the county. Each county council may add to, delete from, increase, or decrease any part of the budgets allocable

solely to the county and may concur in modifications to budget items allocable to both counties. The commission's operating budget is predominantly funded by revenue from property taxes imposed by the counties specifically to support the commission's functions (see pages 18-19 of the commission's [fiscal 2024 budget](#)).

Montgomery County People's Counsel under Local Law

A people's counsel is established under Montgomery County law ([§ 2-150](#) of the Montgomery County Code) to (1) protect the public interest and promote a full and fair presentation of relevant issues in administrative proceedings in order to achieve balanced records upon which sound land use decisions can be made and (2) provide technical assistance to citizens and citizen organizations to encourage effective participation in, and increase public understanding of and confidence in, the county land use process. Funding for the Office of the People's Counsel has not been included in the county's budget since fiscal 2010.

Local Expenditures: M-NCPPC expenditures increase by at least \$165,675 in fiscal 2025 (which accounts for the bill's October 1, 2024, effective date), by at least \$210,233 in fiscal 2026, and by similar, ongoing amounts in future years, for the salary, fringe benefits, and operating expenses of the People's Counsel for Land Use Planning. This estimate assumes that:

- the people's counsel is provided a salary at least at the midpoint of the salary grade that M-NCPPC advises is the appropriate grade for the people's counsel position; and
- measures are taken to allow for the people's counsel to be appointed and begin work in fiscal 2025, even though the bill takes effect October 1, 2024, after M-NCPPC's fiscal 2025 budget will have been adopted.

Additional Information

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

Designated Cross File: None.

Information Source(s): Montgomery County; Maryland-National Capital Park and Planning Commission; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2024
km/sdk

Analysis by: Joanne E. Tetlow

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