

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 568 (Delegate La Vay, *et al.*)  
Environmental Matters

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**Critical Area - Impervious Surfaces - Exemption**

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This bill exempts gapped wooden decks with pervious surface underneath as well as the water surface of swimming pools from impervious surface calculations under the Chesapeake Bay Critical Area Program.

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**Fiscal Summary**

**State Effect:** None. The bill would not directly affect State finances.

**Local Effect:** Potential minimal increase in expenditures and revenues.

**Small Business Effect:** Potential minimal impact on small businesses as discussed below.

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**Fiscal Analysis**

**Local Expenditures:** Should more property owners decide to construct swimming pools under this legislation, local government review of such activities in critical areas could increase. In most cases, local governments charge a fee for review activities that would offset these expenditures. Any fiscal impact from this increase in critical area review is expected to be minimal.

**Small Business Effect:** This bill would allow residents in critical areas to install swimming pools and gapped wooden decks without having those structures count towards the impervious surface limits. Consequently, there could be increased demand for swimming pool construction in these areas; critical areas comprise approximately 650,000 acres (10% of the State). There are 18,500 businesses licensed through the Maryland Home Improvement Commission; it is not known, however, how many of these deal directly in swimming pool installation and what percentage would be considered small businesses. Currently, owners of

grandfathered lots in critical areas (those in residential use by 1985), are allowed to exceed the impervious surface limitations if measures are taken to minimize water quality impact. This bill would most directly impact newer residential developments in these areas which do not have this flexibility, although a clear exemption would also make things easier for owners of grandfathered lots to install pools by avoiding such minimization requirements.

The Critical Area Commission has already advised local jurisdictions that wooden decks such as described in the bill are not considered impervious. However, in at least one county (St. Mary's), decks are considered impervious according to local regulations. Presumably under this bill the county would not be able enforce these regulations, making it easier to install decks in critical areas.

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**Information Source(s):** Department of Natural Resources, Department of Fiscal Services

**Fiscal Note History:** First Reader - February 14, 1997

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