

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 1323 (Delegate Weir)

Environmental Matters

Natural Resources - Critical Areas - Reasonable Accommodations

This bill provides that a local jurisdiction's critical area program must include provisions for reasonable accommodations in policies or procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and to require restoration when the accommodation is no longer necessary.

The bill takes effect July 1, 2000.

Fiscal Summary

State Effect: Minimal. Because local jurisdictions are appropriated State funds to implement their programs, State expenditures could decrease to the extent that local expenditures decrease as a result of the bill. Any decrease, however, is anticipated to be minimal.

Local Effect: Minimal. The bill could result in a decrease in administrative expenditures related to reviewing proposed developments. Proposed construction to accommodate physical disabilities would be reviewed as building permits rather than as variances. Because the boards of appeals are usually involved, reviewing variances is more costly than reviewing building permits. Legislative Services advises, however, that because the number of cases involving physical disabilities is minimal, any savings is anticipated to be minimal.

Small Business Effect: Minimal.

Analysis

Current Law: Each local jurisdiction has primary responsibility for developing and implementing a local critical areas program, subject to review and approval by the Chesapeake Bay Critical Areas Commission. The Governor must include in the budget annually a sum of money to be used for grants to assist local jurisdictions with the reasonable costs of implementing such a program. At a minimum, a program sufficient to meet the goals of the critical areas law includes: (1) a map designating the critical area in a local jurisdiction; (2) a comprehensive zoning map for the critical area; (3) as necessary, new or amended provisions of specified regulations, plans, and enforcement provisions; (4) provisions requiring project approvals to be based on findings meeting specified standards; (5) provisions to limit the amount of land covered by specified impervious surfaces and to require or encourage cluster development; (6) establishment of buffer areas along shorelines; (7) requirements for minimum setbacks for structures and septic fields along shorelines; (8) designation of shoreline areas suitable for specified uses; (9) provisions related to harvesting of timber; and (10) provisions establishing the applicability of specified water pollution controls.

Background: Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program in the Department of Natural Resources to foster more sensitive development activity in a consistent and uniform manner along shoreline areas of the Chesapeake Bay and its tributaries so as to minimize damage to water quality and natural habitats.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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