

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 776

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

Commerce and Government Matters

Education, Health, and Environmental Affairs

Prince George's County - Development Rights and Responsibilities Agreements
PG/MC 113-02

This bill authorizes the Prince George's County Executive, subject to the approval by the District Council, to enter into and amend development rights and responsibilities agreements with developers regarding real property located in Prince George's County for the purpose of advancing school capacity.

Fiscal Summary

State Effect: None.

Local Effect: Prince George's County finances would not be materially affected. The county would still collect payments from developers for the construction of school facilities.

Small Business Effect: Minimal.

Analysis

Bill Summary: This bill authorizes the District Council to establish procedures and requirements for the consideration and execution of development rights and responsibilities agreements for the purpose of establishing conditions for advancing school capacity. The District Council may approve development rights and responsibilities agreements negotiated by the Prince George's County Executive. A

public hearing must be held prior to the District Council approving a development rights and responsibilities agreement.

A developer or developer's representative may petition the Prince George's County Executive requesting that a development rights and responsibilities agreement be executed.

The Prince George's County Executive may negotiate development rights and responsibilities agreement for real property located in the county with a developer. The county executive can execute an agreement only after its approval by the District Council. The county executive cannot enter into an agreement unless a planning board of the Maryland-National Capital Park and Planning Commission determines that the proposed agreement is consistent with the commission's general plan. The agreement can establish the terms by which and a period of time during which an approved development, or individual phases, must commence and be completed.

Unless otherwise provided within the agreement or extended by amendment, an agreement must contain a definite period of duration that is determined by the parties, not exceeding 15 years. The District Council must approve any extension of the agreement. The county executive may suspend or terminate an agreement if it is essential to ensure the public health, safety, or welfare.

Current Law: The Prince George's County Council must impose adequate public facilities standards and requirements for public schools. Article 66B – Zoning and Planning authorizes counties and municipalities to enter into agreements with developers for the purpose of establishing conditions under which development may proceed for a specified time.

Background: Pursuant to this legislation, the county executive may enter into an agreement with developers that includes a time schedule for building-out a proposed development and the provision of schools or funding for schools by the developer to assure that adequate school facilities will be available as the development comes on-line. This agreement would be an alternative method of assuring adequate school facilities. Currently, the county uses an adequate school facilities test and the imposition of school impact fees.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Maryland-National Capital Park and Planning Commission, Department of Legislative Services

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