

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 718

(Delegate Weir)

Environmental Matters

Education, Health, and Environmental
Affairs

**Water and Sewer - Lots Created by Intrafamily Transfers and Preexisting Lots -
Sewer Connections**

This bill requires each county water and sewer plan to allow for one connection between a lot created by a “bona fide intrafamily transfer” and a State sewer line bypassing the lot. Each county plan must also allow for one connection between a State sewer line bypassing a parcel if the parcel existed before the creation of resource conservation areas pursuant to current law and was exempt from the 1-in-20-acre density of development permitted for parcels located within resource conservation areas.

Fiscal Summary

State Effect: This bill would not materially affect State operations or finances. Any private hookups permitted to State sewer lines would be done at the private property owner’s expense.

Local Effect: In most jurisdictions, the number of sewer connections that would occur as a result of the bill is not anticipated to be significant and, therefore, would not affect local operations or finances in those areas. The bill could result in an increase in expenditures for other local jurisdictions. For example, on a similar bill from the 2001 session, Baltimore County reported that as many as 315 connections could occur as a result of that bill. The number that would actually occur and the potential cost to the county is unknown. The county advises that it uses bonds to finance the sewer hookup and establishes a long-term financing plan with the owners of the affected property.

Small Business Effect: Minimal.

Analysis

Current Law: Each county must have a county plan or a plan with adjoining counties that is approved by the Maryland Department of the Environment (MDE), covers at least the ten-year period next following adoption by the county governing body, and deals with water supply systems, sewerage systems, solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste. Current law provides several requirements relating to the content of county plans.

A bona fide intrafamily transfer means a transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member. The Chesapeake Bay Critical Area consists of: (1) all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide and all State and specified private wetlands; and (2) all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and specified heads of tides. Parts of the Critical Area include resource conservation areas (RCAs), which are characterized by natural environments or by activities such as agriculture, aquaculture, commercial forestry, and fisheries. The law limits new development in an RCA to one dwelling unit per 20 acres. Parcels of land that are between 7 and 60 acres that are considered a bona fide intrafamily transfer may be subdivided into smaller lots subject to certain restrictions.

Additional Information

Prior Introductions: A similar bill was introduced in 2001 as HB 1026 and was later withdrawn.

Cross File: None.

Information Source(s): Department of Planning, Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Washington Suburban Sanitary Commission, Maryland Department of the Environment, Baltimore City, Department of Legislative Services

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lc/jr

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