

By: **Delegates Costa, V. Clagett, Gilleland, Love, and McConkey**

Introduced and read first time: February 2, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Local Governments - Zoning Regulations and Building Permits - Appeals -**
3 **Neighborhood Associations**

4 FOR the purpose of providing that the governing body of a neighborhood association
5 shall have standing to represent itself or a member of the neighborhood
6 association in an administrative or judicial appeal of a decision or action of a
7 unit of local government regarding a zoning regulation or building permit under
8 certain circumstances; providing that the standing of a governing body of a
9 neighborhood association to file a certain appeal may not be restricted by any
10 provision of law that requires a person to satisfy certain requirements; requiring
11 all members of a neighborhood association to be given the opportunity to vote on
12 whether to file a certain appeal, and requiring a certain percentage of ballots
13 cast to be in favor of filing the appeal, before the governing body of a
14 neighborhood association may file the appeal under certain circumstances;
15 defining certain terms; and generally relating to neighborhood associations and
16 appeals regarding zoning regulations and building permits.

17 BY adding to
18 Article 24 - Political Subdivisions - Miscellaneous Provisions
19 Section 20-101 through 20-103, inclusive, to be under the new title "Title 20.
20 Appeals Regarding Zoning Regulations and Building Permits"
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

26 **TITLE 20. APPEALS REGARDING ZONING REGULATIONS AND BUILDING PERMITS.**

27 20-101.

28 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

1 (B) "COMMUNITY ASSOCIATION" MEANS A NONPROFIT ASSOCIATION,
2 CORPORATION, OR OTHER ORGANIZATION THAT IS:

3 (1) COMPRISED OF RESIDENTS OF A COMMUNITY;

4 (2) OPERATED FOR THE PROMOTION OF THE WELFARE, IMPROVEMENT,
5 AND ENHANCEMENT OF THE COMMUNITY; AND

6 (3) EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL
7 REVENUE CODE.

8 (C) "GOVERNING BODY" MEANS:

9 (1) THE BOARD OF DIRECTORS OF A COMMUNITY ASSOCIATION; OR

10 (2) THE PERSON WHO HAS THE AUTHORITY TO ENFORCE THE
11 PROVISIONS OF THE DECLARATION, THE ARTICLES OF INCORPORATION, OR THE
12 BYLAWS, RULES, AND REGULATIONS OF:

13 (I) A CONDOMINIUM AS PROVIDED UNDER THE MARYLAND
14 CONDOMINIUM ACT;

15 (II) A COOPERATIVE HOUSING CORPORATION AS PROVIDED UNDER
16 THE MARYLAND COOPERATIVE HOUSING CORPORATION ACT; OR

17 (III) A HOMEOWNERS ASSOCIATION AS PROVIDED UNDER THE
18 MARYLAND HOMEOWNERS ASSOCIATION ACT.

19 (D) "NEIGHBORHOOD ASSOCIATION" MEANS:

20 (1) A COMMUNITY ASSOCIATION;

21 (2) A CONDOMINIUM AS DEFINED UNDER THE MARYLAND
22 CONDOMINIUM ACT;

23 (3) A COOPERATIVE HOUSING CORPORATION AS DEFINED UNDER THE
24 MARYLAND COOPERATIVE HOUSING CORPORATION ACT; OR

25 (4) A HOMEOWNERS ASSOCIATION AS DEFINED UNDER THE MARYLAND
26 HOMEOWNERS ASSOCIATION ACT.

27 20-102.

28 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNING
29 BODY OF A NEIGHBORHOOD ASSOCIATION SHALL HAVE STANDING TO REPRESENT
30 ITSELF OR A MEMBER OF THE NEIGHBORHOOD ASSOCIATION IN AN
31 ADMINISTRATIVE OR JUDICIAL APPEAL OF A DECISION OR ACTION OF A UNIT OF
32 LOCAL GOVERNMENT REGARDING A ZONING REGULATION OR BUILDING PERMIT
33 UNDER ARTICLE 25A, ARTICLE 28, OR ARTICLE 66B OF THE ANNOTATED CODE OF
34 MARYLAND THAT AFFECTS PROPERTY IN THE NEIGHBORHOOD ASSOCIATION OF
35 WITHIN FIVE MILES OF THE BOUNDARIES OF THE NEIGHBORHOOD ASSOCIATION.

1 (B) THE STANDING OF A GOVERNING BODY OF A NEIGHBORHOOD
2 ASSOCIATION TO FILE AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION MAY
3 NOT BE RESTRICTED BY ANY PROVISION OF LAW THAT REQUIRES A PERSON WHO
4 FILES AN ADMINISTRATIVE OR JUDICIAL APPEAL:

5 (1) TO BE AGGRIEVED BY THE DECISION OR ACTION OF THE UNIT OF
6 LOCAL GOVERNMENT; OR

7 (2) TO HAVE APPEARED AT THE HEARING PRECEDING THE DECISION OR
8 ACTION BEING APPEALED.

9 20-103.

10 BEFORE A GOVERNING BODY MAY FILE AN APPEAL UNDER § 20-102 OF THIS
11 TITLE:

12 (1) ALL MEMBERS OF THE NEIGHBORHOOD ASSOCIATION SHALL BE
13 GIVEN THE OPPORTUNITY TO VOTE ON WHETHER TO FILE THE APPEAL, IN
14 ACCORDANCE WITH THE NOTICE AND VOTING PROCEDURES OF THE
15 NEIGHBORHOOD ASSOCIATION; AND

16 (2) AT LEAST 75% OF THE BALLOTS CAST BY THE MEMBERS MUST BE IN
17 FAVOR OF FILING THE APPEAL.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2005.