

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 470 (Delegate Costa, *et al.*)  
Environmental Matters

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Local Governments - Zoning Regulations and Building Permits - Appeals -  
Neighborhood Associations

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This bill provides that the governing body of a “neighborhood association” shall have standing to represent itself or a member of the association in an administrative or judicial appeal of a decision or action of a unit of local government regarding a zoning regulation or building permit that affects property in the association or within five miles of the association. The bill establishes conditions that must be met before an appeal is filed.

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Fiscal Summary

**State Effect:** Although the bill could increase the workload of the appellate courts, perhaps significantly, without any actual experience under the bill, it is assumed that any such increase could be handled with existing budgeted resources.

**Local Effect:** Although the bill could increase the workload of the circuit courts, local boards of appeals, and local planning departments, perhaps significantly, without any actual experience under the bill, it is assumed that any such increase could be handled with existing budgeted resources.

**Small Business Effect:** Potential meaningful.

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Analysis

**Bill Summary:** Before an appeal is filed, all members of the association must be given the opportunity to vote on whether to file the appeal, and at least 75% of the ballots cast must be in favor of filing the appeal.

“Neighborhood association” means a community association, a condominium, a cooperative housing corporation, or a homeowners association.

**Current Law:** Generally, standing to appeal zoning decisions is limited to those aggrieved by the decision, those who have appeared at the hearing in person, or those who have been party to the proceeding before it.

**State/Local Expenditures:** The bill’s changes could lead to a significant increase in the number of appeals of zoning and building permit decisions. Accordingly, the bill could result in a significant increase in the workload of the circuit courts and appellate courts. Local boards of appeals and planning departments could also be affected; the bill could add significant time to the review process. Without any actual experience under the bill, however, it is assumed that the bill’s changes could be handled with existing budgeted resources.

**Small Business Effect:** Small businesses involved with a proposed development could be affected to the extent the bill increases the time and/or cost involved with the review process. Without any actual experience under the bill, any impact on small businesses cannot be reliably estimated.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Department of Planning, Caroline County, Howard County, Prince George’s County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2005  
ncs/hlb

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