

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 653

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

Environmental Matters

Education, Health, and Environmental Affairs

**Prince George's County - Maryland-National Capital Park and Planning
Commission - Zoning Appeals
MC/PG 125-05**

This bill alters the conditions for filing for judicial review of a final decision by the District Council for Prince George's County. The bill specifies that a final decision may be petitioned for judicial review to the circuit court by a person aggrieved by the action; or by any of the following that has appeared at the hearing in person or in writing: a county taxpayer, municipal corporation, corporation, or civic or homeowners association. Additionally, it authorizes any other party to the circuit court review (whether or not aggrieved), including the district council, to file for judicial review for any final judgment to the Court of Special Appeals. The bill also requires service of the council's final decision on all persons of record. The bill further authorizes a council member who did not participate in a final decision to vote on whether the council should appeal.

Fiscal Summary

State Effect: None.

Local Effect: The bill would not materially impact Maryland-National Capital Park and Planning Commission (M-NCPPC) finances.

Small Business Effect: None.

Analysis

Current Law: Any municipal corporation, person, or taxpayer in Prince George's County, any civic or homeowners association representing property owners affected by final district council decision, and an aggrieved applicant may seek judicial review to the circuit court of a final decision of the Prince George's County District Council. Additionally, the district council may serve its final decision on the persons of record who are present at the hearing. A petition for judicial review of the circuit court's judgment by the Court of Special Appeals may be filed by the district council, the applicant, or any aggrieved party. Current law does not expressly prohibit a council member who does not participate in the hearing or the decision from voting on whether the district council will appeal, but states that such a member is "entitled to vote" on the matter.

Background: M-NCPPC is a bi-county agency empowered by the State in 1927 to acquire and administer a regional system of parks within the Maryland-Washington Regional District and administer a general plan for the physical development of the area. In 1970, M-NCPPC became responsible for managing the Prince George's County public recreation program. The Prince George's County Council sits as district council for Prince George's County.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Judiciary (Administrative Office of the Courts), Maryland-National Capital Park and Planning Commission, Department of Legislative Services

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