

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 155 (Delegate Costa)  
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” has 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 one-half mile of the association. The bill establishes conditions that must be met before an appeal is filed.

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Fiscal Summary

**State Effect:** Potential operational impact on the appellate courts; however, without any actual experience under the bill, it is assumed that any such impact could be handled with existing resources. Revenues should not be affected.

**Local Effect:** Potential increase in county litigation expenses and a potential operational impact on the circuit courts as a result of an increased caseload from a potential increase in the number of appeals. Revenues should not be affected.

**Small Business Effect:** Overall minimal. To the extent that zoning actions and the issuance of permits are delayed as a result of this bill, small businesses could be negatively impacted.

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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:** Under Article 66B, which generally governs planning and zoning in the State, in Baltimore City any person, taxpayer, or officer, department, board, or bureau of the city aggrieved by a decision of the Board of Municipal and Zoning Appeals or a zoning action by the Baltimore City Council may appeal to the Circuit Court of Baltimore City. In noncharter counties, an aggrieved person, any taxpayer, or any officer, department, board, or bureau of the local jurisdiction may appeal a decision of a board of appeals or a zoning action of a local legislative body to the circuit court of the county.

Article 25A, § 5 enumerates the express powers of charter counties. Generally, charter counties have the power to provide for the right of appeal of any matter arising from local planning and zoning laws to the circuit court. However, any person aggrieved by a decision of the board of appeals and a party to the proceeding may appeal the decision to the circuit court.

**State Fiscal Effect:** The bill’s changes could lead to increased appeals of zoning and building permit decisions. As such, the workload of the appellate courts could increase. Because it is unknown how many new appeals would result from this bill, however, the extent of the operational impact on the appellate courts cannot be reliably quantified at this time. However, without any actual experience under the bill, it is assumed that the operational impact is absorbable within existing resources.

**Local Fiscal Effect:** There potentially could be an increase in the number of appeals to the circuit court as a result of this bill. To the extent that the number of appeals increases, there would be an operational impact on the circuit courts. In addition, to the extent that the number of appeals increases, county litigation expenses could increase. Furthermore, local boards of appeals and planning departments could also be affected, and the bill could add additional time to the review process. Because it is unknown how many new appeals would result from this bill, however, neither the operational impact on the circuit courts nor the increased county litigation expenses can be reliably quantified at this time. In any event, the impact would vary by county.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 470, was introduced during the 2005 session. The bill received an unfavorable report from the Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Town of Thurmont, City of Takoma Park, City of Annapolis, Montgomery County, Prince George's County, Caroline County, Calvert County, Judiciary (Administrative Office of the Courts), Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2006  
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