

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 88 (Delegate Smigiel)
Environmental Matters

Board of Appeals or Zoning Actions - Appeals to Courts

This bill authorizes any consumer group or civic group to appeal a decision of a county board of appeals, a decision of the Baltimore City Board of Municipal and Zoning Appeals, or a zoning action of a local legislative body to the circuit court. The bill makes the provisions regarding who has standing to appeal a decision of a county board of appeals or a zoning action of a local legislative body applicable to charter counties.

Fiscal Summary

State Effect: None.

Local Effect: Potential significant 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: Potential minimal. To the extent that zoning actions are delayed as a result of the bill, small businesses could be negatively impacted.

Analysis

Current Law: Article 66B governs zoning and planning in the State; it has limited applicability to charter counties and Baltimore City.

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 under this authority, 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.

Background: Baltimore City and nine counties – Anne Arundel, Baltimore, Dorchester, Harford, Howard, Montgomery, Prince George’s, Talbot, and Wicomico – operate under the charter home rule form of government.

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. 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. However, if the number of appeals increases significantly, the impact on both the circuit courts and the counties could be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Bowie, Town of Thurmont, City of Takoma Park, City of Annapolis, Montgomery County, Prince George’s County, Kent County, Worcester County, Judiciary (Administrative Office of the Courts), Maryland-National Capital Park and Planning Commission, Maryland Department of Planning, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2006
mam/ljm

Analysis by: Joshua A. Watters

Direct Inquiries to:
(410) 946-5510
(301) 970-5510