

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 772

(Howard County Delegation)

Environmental Matters

Education, Health, and Environmental
Affairs

Howard County - Zoning Regulations - Administrative Proceedings
Ho. Co. 5-07

This bill authorizes the Howard County Council to adopt an ordinance to enforce zoning regulations through administrative proceedings. The ordinance may include the authority to impose civil fines and penalties and to create liens and assess costs for zoning violations.

Fiscal Summary

State Effect: None.

Local Effect: Howard County expenditures could increase by \$247,000 in FY 2008 assuming an ordinance is adopted by the county council authorizing zoning violations to be enforced through administrative proceedings. Future year expenditures would increase by 5% to 8% annually depending on salary enhancements and the number of proceedings. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: Civil penalties may be assessed for zoning violations if provided for by a local legislative body. A fine of up to \$500 may be imposed for each violation, though a local legislative body may also establish additional fines for each violation and adopt procedures to collect the fines.

A person who receives a citation for a zoning violation may elect to stand trial in District Court. If a person does not respond to a citation, the person can be subject to an additional fine and the zoning official may request that the District Court adjudicate the violation. Upon request of a zoning official, the District Court must schedule the case for trial and summon the defendant to appear. A violation is prosecuted in the same manner as a municipal infraction and the governing body of a county may authorize the county attorney to prosecute a violation.

Local Fiscal Effect: Howard County currently pursues zoning violations in court. An administrative proceeding process would presumably allow zoning regulations to be enforced in a more efficient manner. Howard County advises that expenditures could increase by \$247,000 in fiscal 2008 to set up an administrative proceedings office, assuming an ordinance is passed by the county council allowing for zoning violations to be enforced through administrative proceedings. This estimate reflects the cost of hiring a senior attorney hearing officer and a clerical assistant, one-time start-up costs, and ongoing operating expenses.

Salaries	\$205,000
Communications	15,000
Supplies	10,000
Facilities	10,000
Other Operating Costs	<u>7,000</u>
Total FY 2008 Expenditures	\$247,000

Howard County estimates that county expenditures could increase in future years by 5% to 8% annually depending on salary enhancements and the number of proceedings.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2007
ncs/hlb

Analysis by: Scott D. Kennedy

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