

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 246

(Delegates Bobo and V. Clagett)

Environmental Matters

Education, Health, and Environmental Affairs

Charter Counties - Land Use Appeals - Standing

This bill authorizes specified charter counties to enact a local law that • allows a person not aggrieved by a decision or action to appeal the decision of a board of appeals or a zoning action of a local legislative or quasi-legislative body; • establishes the terms and conditions under which the person may appeal; and • establishes procedures for taking an appeal. The bill applies to charter counties that derive their planning and zoning authority from Article 25A of the Annotated Code.

The bill takes effect June 1, 2008.

Fiscal Summary

State Effect: In the event affected charter counties enact local laws to provide for appeals as specified in the bill, general fund expenditures could increase; however, the number of appeals that might be brought under such laws and the resulting effect on the workload of the Judiciary cannot be reliably estimated at this time.

Local Effect: Expenditures in affected charter counties could increase if local laws are enacted to provide for appeals as specified in the bill; however, the number of appeals that might be brought and the resulting effect on county litigation expenses and the workload of the circuit courts cannot be reliably estimated at this time.

Small Business Effect: Potential minimal.

Analysis

Current Law: Generally, in charter counties that derive their planning and zoning authority from Article 25A (Anne Arundel, Baltimore, Dorchester, Harford, Howard, Talbot, and Wicomico counties), any person aggrieved by the decision of a local board of appeals and who is a party to the proceeding may appeal the board's decision to the circuit court for the county in which the board is located. A party aggrieved by the decision of the circuit court may appeal the decision to the Court of Special Appeals.

Charter counties that derive their planning and zoning authority from Article 25A may also otherwise allow an appeal to the circuit court of any matter arising under the jurisdiction's planning and zoning laws. A decision of the circuit court in those cases also may be appealed to the Court of Special Appeals.

Local Fiscal Effect: Local government expenditures in affected charter counties could increase to the extent the enactment of local laws, as specified in the bill, would result in an increase in the number of cases filed in circuit court. The number of additional cases that may be filed as a result of any such local law cannot be reliably estimated at this time. *For illustrative purposes*, Anne Arundel County estimates that the expansion of standing to appeal a board of appeals decision to circuit court to any taxpayer could result in a 25% increase in the number of circuit court filings in the county and possible further appeals to the Court of Special Appeals. The county advises this would require an additional attorney to maintain the workload, at an annual cost of \$86,600 and could require additional resources to account for the increased workload of the circuit court.

Additional Information

Prior Introductions: Bills that would have expanded standing to appeal zoning and/or planning decisions were introduced during the 2005, 2006, and 2007 sessions. HB 34/SB 159 of 2007 received unfavorable reports from the House Judiciary Committee and the Senate Judicial Proceedings Committee, respectively. HB 88 of 2006 was withdrawn after receiving a hearing in the House Environmental Matters Committee. HB 155 of 2006 and HB 470 of 2005 received unfavorable reports from Environmental Matters.

Cross File: None.

Information Source(s): Maryland Department of Planning, Judiciary (Administrative Office of the Courts), Anne Arundel County, Prince George's County, Howard County, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2008
ncs/lgc Revised - House Third Reader - March 31, 2008

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