

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 928

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

Environmental Matters

Education, Health, and Environmental
Affairs

Prince George's County - People's Zoning Counsel - Appeals
PG/MC 118-08

This bill authorizes the People's Zoning Counsel in Prince George's County to appeal a final action with regard to a subdivision of land, special exception, variance, or site plan on behalf of a bona fide citizens' association, if there is reason to believe the final action is arbitrary or capricious.

Fiscal Summary

State Effect: None.

Local Effect: Prince George's County expenditures could increase by approximately \$13,000 annually due to additional staff time and resources at the county's planning department to handle appeals. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: The District Council for Prince George's County is authorized to allow a duly elected officer of any bona fide civic association or homeowners' association to represent the association before the planning board, district council, zoning hearing examiner, or board of zoning appeals.

Background: The People's Zoning Counsel appears at all hearings on zoning matters to protect the interest of the citizens and residents of Prince George's County and to ensure the compilation of a full and complete record. The People's Zoning Counsel is empowered to summon and cross examine witnesses, introduce document evidence, file exemptions, and make arguments before the hearing examiner as the law and the evidence may warrant. The fiscal 2008 county budget includes \$140,000 for the People's Zoning Counsel, which supports three contract attorneys. Funding for these positions is paid by the Maryland-National Capital Park and Planning Commission (M-NCPPC).

The Prince George's County Planning Department is operated and funded by M-NCPPC. The fiscal 2008 commission budget includes \$29.3 million for the county's planning department.

Local Fiscal Effect: Prince George's County expenditures could increase minimally due to additional staff time and resources to handle appeals. The actual impact would depend on the number of land use cases that are appealed each year by the People's Zoning Counsel and the characteristics of each case. The county's planning department indicates that the additional costs could total approximately \$13,000 a year. This estimate is based on a three-year analysis of staff time at the county's planning department associated with appeals before the District Council for site plan and zoning cases and a similar number of cases. In addition, it is assumed that the People's Zoning Counsel could handle any actions with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mll/hlb

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