

# HOUSE BILL 1344

L6, P3

0lr2591

---

By: **Delegates Beidle, Barnes, Holmes, Love, McConkey, and Sophocleus**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Construction and Development – Permits and Approvals – Expiration Dates**

3 FOR the purpose of correcting certain language relating to the applicability of certain  
4 provisions of law related to permits issued for construction and development;  
5 extending a certain tolling period for certain permits issued by the State;  
6 extending a certain tolling period for certain permits issued by a local approving  
7 authority; altering the applicability of certain provisions of law to include  
8 certain approvals issued by a local approving authority; clarifying that the  
9 running of the period of approval for certain construction and development  
10 permits and approvals begins again on a certain date; extending to a certain  
11 date the termination provisions relating to the expiration of construction and  
12 development permits and approvals; defining certain terms; and generally  
13 relating to the expiration of construction and development permits and  
14 approvals.

15 BY repealing and reenacting, with amendments,

16 Article – State Government

17 Section 11–202

18 Annotated Code of Maryland

19 (2009 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article 24 – Political Subdivisions – Miscellaneous Provisions

22 Section 23–101 and 23–102

23 Annotated Code of Maryland

24 (2005 Replacement Volume and 2009 Supplement)

25 BY repealing and reenacting, with amendments,

26 Chapter 334 of the Acts of the General Assembly of 2009

27 Section 2, 3, and 5

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Chapter 335 of the Acts of the General Assembly of 2009  
3 Section 2, 3, and 5

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – State Government**

7 11–202.

8 (a) This subtitle applies to a permit issued by [a county or municipality] **THE**  
9 **STATE** for a proposed construction or development.

10 (b) This subtitle does not apply to:

11 (1) any permit or approval issued by the United States government or  
12 any federal agency;

13 (2) any permit or approval issued jointly by the United States  
14 government and [a county or a municipality] **THE STATE**;

15 (3) any permit or approval issued jointly by any federal agency and [a  
16 county or a municipality] **THE STATE**;

17 (4) any permit or approval that has an expiration date established  
18 under a law or regulation of the federal government; or

19 (5) any permit, license, or approval issued under Title 4, Subtitle 1 [or  
20 Subtitle 2] of the Environment Article.

21 (c) The running of the period of approval for any permit issued by [a county  
22 or municipality] **THE STATE** shall [be]:

23 (1) **BE tolled beginning on January 1, 2008, and ending on [June 30,**  
24 **2010] DECEMBER 31, 2012; AND**

25 (2) **BEGIN AGAIN ON JANUARY 1, 2013.**

26 (d) Notwithstanding subsection (c) of this section, a person who was issued a  
27 permit by [a county or municipality] **THE STATE** that will expire during the period  
28 beginning on January 1, 2008, and ending on [June 30, 2010] **DECEMBER 31, 2012,**  
29 is required to pay any applicable renewal fees.

30 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

1 23-101.

2 (a) In this title the following words have the meanings indicated.

3 (B) “APPROVAL” INCLUDES:

4 (1) AN ACTION BY A LOCAL APPROVING AUTHORITY ON AN  
5 APPLICATION FOR:

6 (I) A ZONING SPECIAL EXCEPTION;

7 (II) A ZONING VARIANCE; OR

8 (III) A CONDITIONAL ZONING USE;

9 (2) A DEVELOPMENT OR SUBDIVISION APPROVAL BY A LOCAL  
10 APPROVING AUTHORITY, INCLUDING:

11 (I) A SITE PLAN APPROVAL;

12 (II) A DEVELOPMENT PLAN APPROVAL;

13 (III) A PLANNED UNIT DEVELOPMENT PLAN APPROVAL;

14 (IV) AN INITIAL OR SKETCH PLAN APPROVAL; OR

15 (V) ANY OTHER DEVELOPMENT OR SUBDIVISION APPROVAL  
16 AUTHORIZED OR REQUIRED UNDER THE LAWS OR REGULATIONS OF THE LOCAL  
17 APPROVING AUTHORITY; OR

18 (3) ANY OTHER APPROVAL BY, FEE PAID TO, OR AGREEMENT  
19 WITH A LOCAL APPROVING AUTHORITY THAT IS ASSOCIATED WITH AN  
20 APPLICATION FOR DEVELOPMENT OR SUBDIVISION APPROVAL.

21 (C) “LOCAL APPROVING AUTHORITY” INCLUDES A COUNTY,  
22 MUNICIPALITY, OR GOVERNMENTAL UNIT THAT ISSUES APPROVALS OR PERMITS  
23 FOR CONSTRUCTION OR DEVELOPMENT.

24 [(b)] (D) “Permit” includes [a]:

25 (1) A development permit, as defined under § 11-101(d) of the State  
26 Government Article; AND

27 (2) A GRADING PERMIT.

1 23-102.

2 (a) This title applies to a permit **OR APPROVAL** issued by [the State] A  
3 **LOCAL APPROVING AUTHORITY** for a proposed construction or development.

4 (b) This title does not apply to:

5 (1) Any permit or approval issued by the United States government or  
6 any federal agency;

7 (2) Any permit or approval issued jointly by the United States  
8 government and a [county or a municipality] **LOCAL APPROVING AUTHORITY**;

9 (3) Any permit or approval issued jointly by any federal agency and a  
10 [county or a municipality] **LOCAL APPROVING AUTHORITY**;

11 (4) Any permit or approval that has an expiration date established  
12 under a law or regulation of the federal government; or

13 (5) Any permit, license, or approval issued under the following  
14 provisions of the Environment Article:

15 (i) Title 4, Subtitle 1 [or Subtitle 2];

16 (ii) Title 5, Subtitle 5; or

17 (iii) Title 9.

18 (c) The running of the period of approval for any permit **OR APPROVAL**  
19 issued by [the State] A **LOCAL APPROVING AUTHORITY** shall [be]:

20 (1) **BE** tolled beginning on January 1, 2008, and ending on [June 30,  
21 2010] **DECEMBER 31, 2012; AND**

22 (2) **BEGIN AGAIN ON JANUARY 1, 2013.**

23 (d) Notwithstanding subsection (c) of this section, a person who was issued a  
24 permit **OR APPROVAL** by [the State] A **LOCAL APPROVING AUTHORITY** that will  
25 expire during the period beginning on January 1, 2008, and ending on [June 30, 2010]  
26 **DECEMBER 31, 2012**, is required to pay any applicable renewal fees.

27 **Chapter 334 of the Acts of 2009**

28 **SECTION 2. AND BE IT FURTHER ENACTED**, That nothing in this Act shall  
29 affect the authority of the State or any [county or municipality] **LOCAL APPROVING**

1 **AUTHORITY** to revoke or modify a permit **OR APPROVAL**. The State or any [county or  
2 municipality] **LOCAL APPROVING AUTHORITY** may cancel a permit **OR APPROVAL**  
3 affected by the provisions of this Act if the State or the [county or municipality]  
4 **LOCAL APPROVING AUTHORITY** determines that the permit **OR APPROVAL** presents  
5 a threat to the public health, safety, or welfare of its citizens.

6 SECTION 3. AND BE IT FURTHER ENACTED, That, except as otherwise  
7 provided in this Act, this Act shall be construed to apply retroactively and shall be  
8 applied to and interpreted to affect any permit **OR APPROVAL** for construction or  
9 development issued by the State or any [county or municipality] **LOCAL APPROVING**  
10 **AUTHORITY** on or after January 1, 2008, and on or before [June 30, 2010]  
11 **DECEMBER 31, 2012**.

12 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
13 measure, is necessary for the immediate preservation of the public health or safety,  
14 has been passed by a yea and nay vote supported by three-fifths of all the members  
15 selected to each of the two Houses of the General Assembly, and shall take effect from  
16 the date it is enacted. It shall remain effective through [June 30, 2010] **DECEMBER**  
17 **31, 2014**, and, at the end of [June 30, 2010] **DECEMBER 31, 2014**, with no further  
18 action required by the General Assembly, this Act shall be abrogated and of no further  
19 force and effect.

## 20 Chapter 335 of the Acts of 2009

21 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
22 affect the authority of the State or any [county or municipality] **LOCAL APPROVING**  
23 **AUTHORITY** to revoke or modify a permit **OR APPROVAL**. The State or any [county or  
24 municipality] **LOCAL APPROVING AUTHORITY** may cancel a permit **OR APPROVAL**  
25 affected by the provisions of this Act if the State or the [county or municipality]  
26 **LOCAL APPROVING AUTHORITY** determines that the permit **OR APPROVAL** presents  
27 a threat to the public health, safety, or welfare of its citizens.

28 SECTION 3. AND BE IT FURTHER ENACTED, That, except as otherwise  
29 provided in this Act, this Act shall be construed to apply retroactively and shall be  
30 applied to and interpreted to affect any permit **OR APPROVAL** for construction or  
31 development issued by the State or any [county or municipality] **LOCAL APPROVING**  
32 **AUTHORITY** on or after January 1, 2008, and on or before [June 30, 2010]  
33 **DECEMBER 31, 2012**.

34 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
35 measure, is necessary for the immediate preservation of the public health or safety,  
36 has been passed by a yea and nay vote supported by three-fifths of all the members  
37 selected to each of the two Houses of the General Assembly, and shall take effect from  
38 the date it is enacted. It shall remain effective through [June 30, 2010] **DECEMBER**  
39 **31, 2014**, and, at the end of [June 30, 2010] **DECEMBER 31, 2014**, with no further

1 action required by the General Assembly, this Act shall be abrogated and of no further  
2 force and effect.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 2010.