

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

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 and approvals issued for construction and
5 development; extending a certain tolling period for certain permits issued by the
6 State; providing for the tolling of the duration of certain permits for a certain
7 period of time; extending a certain tolling period for certain permits issued by a
8 local approving authority; altering the applicability of certain provisions of law
9 to include certain approvals issued by a local approving authority; clarifying
10 that the running of the period of approval for certain construction and
11 development permits and approvals begins again on a certain date; providing
12 that certain persons are required to pay certain permit extension fees
13 notwithstanding the tolling of the running of certain periods; extending to a
14 certain date the termination provisions relating to the expiration of construction
15 and development permits and approvals; defining certain terms; providing for
16 the construction of this Act; and generally relating to the expiration of
17 construction and development permits and approvals.

18 BY repealing and reenacting, with amendments,

19 Article – State Government

20 Section 11–202

21 Annotated Code of Maryland

22 (2009 Replacement Volume)

23 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article 24 – Political Subdivisions – Miscellaneous Provisions
 2 Section 23–101 and 23–102
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2009 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Chapter 334 of the Acts of the General Assembly of 2009
 7 Section 2, 3, and 5

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

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

13 **Article – State Government**

14 11–202.

15 (a) This subtitle applies to a permit **OR APPROVAL** issued by [a county or
 16 municipality] **THE STATE** for a proposed construction or development.

17 (b) This subtitle does not apply to:

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

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

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

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

26 (5) any permit, license, or approval issued under **THE FOLLOWING**
 27 **PROVISIONS OF THE ENVIRONMENT ARTICLE:**

28 **(I)** Title 4, Subtitle 1 [~~for Subtitle 2] of the Environment Article~~

29 **;**

30 **(II)** **TITLE 5, SUBTITLE 5; OR**

31 **(III)** **TITLE 9.**

1 (c) The running of the period of approval for any permit OR OF THE
 2 DURATION OF ANY PERMIT issued by [a county or municipality] THE STATE shall
 3 [be]:

4 (1) BE tolled beginning on January 1, 2008, and ending on [June 30,
 5 2010] **DECEMBER 31, 2012; AND**

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

7 (d) Notwithstanding subsection (c) of this section, a person who was issued a
 8 permit by [a county or municipality] THE STATE that ~~will expire~~ WOULD HAVE
 9 EXPIRED during the period beginning on January 1, 2008, and ending on [June 30,
 10 2010] **DECEMBER 31, 2012**, is required to pay any applicable renewal fees.

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

12 23–101.

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

14 (B) **“APPROVAL” INCLUDES:**

15 (1) **AN ACTION BY A LOCAL APPROVING AUTHORITY ON AN**
 16 **APPLICATION FOR:**

17 (I) **A ZONING SPECIAL EXCEPTION;**

18 (II) **A ZONING VARIANCE; OR**

19 (III) **A CONDITIONAL ZONING USE;**

20 (2) **A DEVELOPMENT OR SUBDIVISION APPROVAL BY A LOCAL**
 21 **APPROVING AUTHORITY, INCLUDING:**

22 (I) **A SITE PLAN APPROVAL;**

23 (II) **A DEVELOPMENT PLAN APPROVAL;**

24 (III) **A PLANNED UNIT DEVELOPMENT PLAN APPROVAL;**

25 (IV) **AN INITIAL OR SKETCH PLAN APPROVAL; OR**

26 (V) **ANY OTHER DEVELOPMENT OR SUBDIVISION APPROVAL**
 27 **AUTHORIZED OR REQUIRED UNDER THE LAWS OR REGULATIONS OF THE LOCAL**
 28 **APPROVING AUTHORITY; OR**

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

4 **(C) “LOCAL APPROVING AUTHORITY” INCLUDES A COUNTY,**
 5 **MUNICIPALITY, OR GOVERNMENTAL UNIT THAT ISSUES APPROVALS OR PERMITS**
 6 **FOR CONSTRUCTION OR DEVELOPMENT.**

7 **[(b)] (D) “Permit” includes [a]:**

8 **(1) A development permit, as defined under § 11–101(d) of the State**
 9 **Government Article; AND**

10 **(2) A GRADING PERMIT.**

11 23–102.

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

14 (b) This title does not apply to:

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

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

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

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

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

25 (i) Title 4, Subtitle 1 ~~for~~ Subtitle 2~~;~~;

26 (ii) Title 5, Subtitle 5; or

27 (iii) Title 9.

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

1 (1) BE tolled beginning on January 1, 2008, and ending on [June 30,
2 2010] **DECEMBER 31, 2012**; AND

3 (2) BEGIN AGAIN ON JANUARY 1, 2013.

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

9 **Chapter 334 of the Acts of 2009**

10 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall
11 affect the authority of the State or any [county or municipality] **LOCAL APPROVING**
12 **AUTHORITY** to revoke or modify a permit **OR APPROVAL**. The State or any [county or
13 municipality] **LOCAL APPROVING AUTHORITY** may cancel a permit **OR APPROVAL**
14 affected by the provisions of this Act if the State or the [county or municipality]
15 **LOCAL APPROVING AUTHORITY** determines that the permit **OR APPROVAL** presents
16 a threat to the public health, safety, or welfare of its citizens.

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

23 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
24 measure, is necessary for the immediate preservation of the public health or safety,
25 has been passed by a yea and nay vote supported by three-fifths of all the members
26 selected to each of the two Houses of the General Assembly, and shall take effect from
27 the date it is enacted. It shall remain effective through [June 30, 2010] **DECEMBER**
28 **31, 2014**, and, at the end of [June 30, 2010] **DECEMBER 31, 2014**, with no further
29 action required by the General Assembly, this Act shall be abrogated and of no further
30 force and effect.

31 **Chapter 335 of the Acts of 2009**

32 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall
33 affect the authority of the State or any [county or municipality] **LOCAL APPROVING**
34 **AUTHORITY** to revoke or modify a permit **OR APPROVAL**. The State or any [county or
35 municipality] **LOCAL APPROVING AUTHORITY** may cancel a permit **OR APPROVAL**
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13 the date it is enacted. It shall remain effective through [June 30, 2010] **DECEMBER**
14 **31, 2014**, and, at the end of [June 30, 2010] **DECEMBER 31, 2014**, with no further
15 action required by the General Assembly, this Act shall be abrogated and of no further
16 force and effect.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
18 construed to affect the applicability of any requirement under:

19 (1) Title 8, Subtitle 18 of the Natural Resources Article;

20 (2) any regulation adopted under the authority of Title 8, Subtitle 18
21 of the Natural Resources Article; or

22 (3) any local program requirement or other legal requirement adopted
23 in accordance with the Critical Area Program.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.