

HB0938/750218/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 938  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 5 down through “council;” in line 14; in line 16, after “hearing;” insert “altering the circumstances under which a certain person or entity aggrieved by a certain decision of the district council may request judicial review of any final decision of the district council; repealing the authority of a certain person to request judicial review of a decision of the county planning board;”; in the same line, strike “file” and substitute “make”; in line 17, strike “for judicial” and substitute “to the district council for the”; in the same line, strike “board of appeals to the circuit court” and substitute “zoning hearing examiner or the planning board”; in line 23, after “remanded” insert “and relevant information is received from the applicant or the district council”; in line 27, strike “20-202, 22-104, 22-120, and”; and in the same line, after “22-206” insert “, 22-407(a)(1), and 23-401”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 through line 16 on page 5, inclusive.

AMENDMENT NO. 3

On page 6, after line 17, insert:

“22-407.

(a) (1) Judicial review of [a] ANY final decision of the district council, including an individual map amendment or a sectional map amendment, may be requested by ANY PERSON OR ENTITY THAT IS AGGRIEVED BY THE DECISION OF THE DISTRICT COUNCIL AND IS:

(Over)

(i) [any] A municipal corporation, governed special taxing district, or person in the county;

(ii) [any] A civic or homeowners association representing property owners affected by the final decision; [or]

(iii) THE OWNER OF THE PROPERTY THAT IS THE SUBJECT OF THE DECISION; OR

(iv) [if aggrieved,] the applicant.

23-401.

(a) (1) Within 30 days after the county planning board takes final action on an application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action; or

(ii) a [person or] municipal corporation that appeared at the hearing in person, by attorney, or in writing.

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) (1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7-202(d).

(2) On receiving a copy of the petition, the county planning board shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the county planning board in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Court of Special Appeals.

(4) The review proceedings provided by this section are exclusive.”;

in line 20, strike “**FILE**” and substitute “**MAKE**”; in the same line, strike “**FOR JUDICIAL REVIEW**” and substitute “**TO THE DISTRICT COUNCIL FOR THE REVIEW**”; strike beginning with the third “**A**” in line 20 down through “**COURT**” in line 21 and substitute “**THE ZONING HEARING EXAMINER OR THE PLANNING BOARD**”; and strike beginning with the colon in line 21 down through “**LOCATED**” in line 27 and substitute “**THE PERSON IS AN AGGRIEVED PERSON THAT APPEARED AT THE HEARING BEFORE THE ZONING HEARING EXAMINER OR PLANNING BOARD IN PERSON, BY AN ATTORNEY, OR IN WRITING**”.

AMENDMENT NO. 4

On page 7, in line 4, strike “**100**” and substitute “**30**”; and in the same line, after “**REMANDED**” insert “**AND RELEVANT INFORMATION IS RECEIVED FROM THE APPLICANT OR THE DISTRICT COUNCIL**”.