

# SENATE BILL 859

L6

6lr3600  
CF HB 605

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By: **Senators Young and Hough**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 11, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Frederick County – Development Rights and Responsibilities**  
3 **Agreements – Administrative Appeals**

4 FOR the purpose of authorizing, in Frederick County, a person aggrieved by a development  
5 rights and responsibilities agreement to file an administrative appeal; authorizing,  
6 in Frederick County, certain persons to file a request for judicial review of a decision  
7 of the county board of zoning appeals by the circuit court of the county; authorizing,  
8 in Frederick County, a certain party to a proceeding in the circuit court of the county  
9 to appeal to the Court of Special Appeals; providing that if an agreement was entered  
10 into before a certain date, a person aggrieved by an amendment to the agreement  
11 may not file an administrative appeal and may seek direct judicial review under  
12 certain circumstances; providing that a certain party may appeal to the Court of  
13 Special Appeals and thereafter may petition the Court of Appeals for a writ of  
14 certiorari under certain circumstances; and generally relating to development rights  
15 and responsibilities agreements in Frederick County.

16 BY repealing and reenacting, with amendments,  
17 Article – Land Use  
18 Section 7–307  
19 Annotated Code of Maryland  
20 (2012 Volume and 2015 Supplement)

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

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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.



## Article – Land Use

7–307.

(a) [In] **THIS SECTION APPLIES ONLY IN Frederick County**[, a].

(B) A person aggrieved by an agreement executed under this subtitle[:

(1) may [not] file an administrative appeal **TO THE COUNTY BOARD OF ZONING APPEALS**]; and

(2) may seek direct judicial review of the agreement in circuit court by filing a request with the circuit court of the county].

**[(b)] (C) (1) ANY OF THE FOLLOWING PERSONS MAY FILE A REQUEST FOR JUDICIAL REVIEW BY THE CIRCUIT COURT OF THE COUNTY OF A DECISION OF THE BOARD OF ZONING APPEALS:**

**(I) A PERSON AGGRIEVED BY THE DECISION; OR**

**(II) A PARTY TO THE PROCEEDING BEFORE THE BOARD OF ZONING APPEALS.**

**(2) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.**

**(D) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY APPEAL TO THE COURT OF SPECIAL APPEALS IN THE SAME MANNER PROVIDED FOR CIVIL CASES.**

**(E) (1) IF A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT WAS ENTERED INTO BEFORE JULY 1, 2016, A PERSON AGGRIEVED BY AN AMENDMENT TO THE AGREEMENT:**

**(I) MAY NOT FILE AN ADMINISTRATIVE APPEAL; AND**

**(II) MAY SEEK DIRECT JUDICIAL REVIEW OF THE AGREEMENT IN CIRCUIT COURT BY FILING A REQUEST WITH THE CIRCUIT COURT OF THE COUNTY.**

**(2) THE JUDICIAL REVIEW SHALL BE IN ACCORDANCE WITH TITLE 7, CHAPTER 200 OF THE MARYLAND RULES.**

**(3) UNDER THIS SUBSECTION, A PARTY TO THE PROCEEDING IN THE CIRCUIT COURT THAT IS AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY**

1 APPEAL TO THE COURT OF SPECIAL APPEALS AND THEREAFTER MAY PETITION THE  
2 COURT OF APPEALS FOR A WRIT OF CERTIORARI IN THE MANNER THAT IS PROVIDED  
3 FOR CIVIL CASES.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
5 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.