HOUSE BILL 1015

By: Prince George’s County Delegation and Montgomery County Delegation
Introduced and read first time: February 5, 2020
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Montgomery County – Land Use Documents – Certification

PG/MC 104–20

FOR the purpose of requiring certain land use regulations applicable in Montgomery County to require that certain persons sign a certain certification under penalty of perjury for certain documents submitted to a certain planning board; establishing the content of the certification; and generally relating to the certification under penalty of perjury of certain land use documents in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Land Use
Section 23–102(a) and (c), 23–103(a), and 23–104(a)(1)
Annotated Code of Maryland
(2012 Volume and 2019 Supplement)

BY adding to
Article – Land Use
Section 23–109
Annotated Code of Maryland
(2012 Volume and 2019 Supplement)

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

Article – Land Use

23–102.

(a) (1) Except as provided in subsection (c) of this section, a subdivision plat of land in the regional district may not be admitted to the land records of Montgomery County

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
HOUSE BILL 1015

or Prince George’s County, or received or recorded by the clerks of the courts of the respective county, unless:

(i) the plat has been submitted to and approved by the applicable county planning board; and

(ii) the chair of the county planning board and the secretary–treasurer of the Commission endorse an approval in writing on the plat.

(2) The recordation of a subdivision plat without the approval of the county planning board is void.

(c) A subdivision in a municipal corporation with subdivision authority under Division II of the Local Government Article that is in the regional district may be recorded in the land records of Montgomery County or Prince George’s County if:

(1) the subdivision plat has been submitted to and approved by the municipal corporation; and

(2) the appropriate official of the municipal corporation endorses an approval in writing on the plat.

23–103.

(a) Except as provided in subsection (b) of this section, in connection with the approval of a subdivision plat, the appropriate county planning board may require a dedication of land for:

(1) an interior subdivision road;

(2) a road that abuts the subdivision for the purpose of creating a new road as part of the plan of subdivision to provide for traffic access to another subdivision road; and

(3) the widening of an existing or public road that abuts the subdivision for the purpose of providing additional right–of–way adequate to serve additional traffic that will be generated by the subdivision.

23–104.

(a) (1) In exercising the subdivision powers under §§ 23–102 and 23–103 of this subtitle, the Commission or the governing body of Montgomery County or Prince George’s County may adopt subdivision regulations and amendments governing a subdivision in:

(i) the regional district; or
the respective portion of the regional district in the county.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) THE SUBDIVISION REGULATIONS SHALL REQUIRE AN APPLICANT TO SIGN A CERTIFICATION UNDER THE PENALTY OF PERJURY FOR:

(1) A FOREST CONSERVATION PLAN EXEMPTION APPLICATION;

(2) A NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION, INCLUDING ANY REQUIRED MAPS OR DRAWINGS;

(3) A FOREST MITIGATION BANK APPLICATION; AND

(4) A CONCEPT PLAN OR ANY OTHER LOCAL DEVELOPMENT PLAN THAT DOES NOT REQUIRE EITHER A NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION OR A FOREST CONSERVATION PLAN EXEMPTION.

(C) A CERTIFICATION REQUIRED UNDER THIS SECTION SHALL BE IN THE FOLLOWING FORM:

“I (WE) CERTIFY, UNDER THE PENALTY OF PERJURY, THAT THIS DOCUMENT, INCLUDING ANY ACCOMPANYING FORMS, STATEMENTS, MAPS, OR DRAWINGS, HAS BEEN EXAMINED BY ME (US) AND THE INFORMATION CONTAINED HEREIN, TO THE BEST OF MY (OUR) KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, IS TRUE, CORRECT, AND COMPLETE.”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.