

# HOUSE BILL 705

L6

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By: **Delegates Barve and Stein**

Introduced and read first time: January 31, 2022

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Reporting – Annual Reports and Development of New Housing**

3 FOR the purpose of repealing a certain exemption to the requirement to report certain  
4 measures and indicators in a certain annual report; requiring a county or municipal  
5 corporation to submit an annual report to the Department of Planning that contains  
6 certain information on residential building permits issued in the previous calendar  
7 year; requiring the Department of Planning to submit an annual report to the  
8 General Assembly on the development of housing in the State during the previous  
9 calendar year; and generally relating to reports on the development of housing in the  
10 State.

11 BY repealing and reenacting, with amendments,  
12 Article – Land Use  
13 Section 1–208(c)(1), 1–401, and 10–103  
14 Annotated Code of Maryland  
15 (2012 Volume and 2021 Supplement)

16 BY repealing  
17 Article – Land Use  
18 Section 1–208(c)(3)  
19 Annotated Code of Maryland  
20 (2012 Volume and 2021 Supplement)

21 BY adding to  
22 Article – Land Use  
23 Section 1–209  
24 Annotated Code of Maryland  
25 (2012 Volume and 2021 Supplement)

26 BY repealing and reenacting, without amendments,  
27 Article – Land Use

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–402  
2 Annotated Code of Maryland  
3 (2012 Volume and 2021 Supplement)

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

6 **Article – Land Use**

7 1–208.

8 (c) (1) Except as provided in [paragraphs (2) and (3)] **PARAGRAPH (2)** of this  
9 subsection, the annual report required to be filed under § 1–207 of this subtitle shall include  
10 the following measures and indicators:

11 (i) the amount, share, and net density of growth inside and outside  
12 the priority funding areas;

13 (ii) the creation of new lots and the issuance of residential and  
14 commercial building permits inside and outside the priority funding areas;

15 (iii) the development capacity analysis, updated every 3 years and  
16 whenever there is a significant change in zoning or land use patterns;

17 (iv) the number of acres preserved using local agricultural land  
18 preservation funding, if applicable; and

19 (v) the following information on achieving the statewide goal stated  
20 in subsection (b)(2) of this section:

21 1. the local goal;

22 2. the time frame for achieving the local goal;

23 3. the resources necessary for infrastructure inside the  
24 priority funding areas and land preservation outside the priority funding areas; and

25 4. any incremental progress made towards achieving the  
26 local goal.

27 [(3) A county or municipal corporation that issues fewer than 50 building  
28 permits for new residential units each year:

29 (i) need not include information in the annual report on measures  
30 and indicators listed in paragraph (1) of this subsection; but

1 (ii) shall provide documentation to the Department of Planning each  
2 year that fewer than 50 building permits for new residential units are issued.]

3 **1-209.**

4 (A) (1) ON OR BEFORE JULY 1, 2023, AND EACH JULY 1 THEREAFTER,  
5 EACH LOCAL JURISDICTION SHALL REPORT THE FOLLOWING INFORMATION TO THE  
6 DEPARTMENT OF PLANNING FOR THE PREVIOUS CALENDAR YEAR:

7 (I) THE NUMBER OF RESIDENTIAL BUILDING PERMITS ISSUED  
8 IN THE LOCAL JURISDICTION;

9 (II) THE TYPE OF RESIDENTIAL BUILDING TO BE CONSTRUCTED  
10 UNDER EACH RESIDENTIAL BUILDING PERMIT;

11 (III) FOR EACH MULTIFAMILY DWELLING THAT RECEIVES A  
12 RESIDENTIAL BUILDING PERMIT, THE NUMBER OF INDIVIDUAL DWELLING UNITS  
13 PROPOSED FOR THE MULTIFAMILY DWELLING; AND

14 (IV) WHETHER CONSTRUCTION BEGAN ON THE BUILDING  
15 SUBJECT TO THE RESIDENTIAL BUILDING PERMIT.

16 (2) FOR THE PURPOSE OF PARAGRAPH (1)(II) OF THIS SUBSECTION,  
17 THE FOLLOWING CLASSIFICATIONS OF TYPE SHALL BE USED FOR EACH  
18 RESIDENTIAL BUILDING:

19 (I) SINGLE-FAMILY, DETACHED;

20 (II) SINGLE-FAMILY, ATTACHED;

21 (III) MULTIFAMILY DWELLING; AND

22 (IV) ACCESSORY DWELLING UNIT.

23 (3) THE DEPARTMENT OF PLANNING SHALL ADOPT REGULATIONS  
24 ESTABLISHING THE METHODS THE LOCAL JURISDICTIONS SHALL USE TO REPORT  
25 THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

26 (B) (1) (I) ON OR BEFORE OCTOBER 1, 2023, AND EACH OCTOBER 1  
27 THEREAFTER, THE DEPARTMENT OF PLANNING SHALL, IN ACCORDANCE WITH §  
28 2-1257 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE GENERAL  
29 ASSEMBLY ON THE DEVELOPMENT OF HOUSING IN THE STATE DURING THE  
30 PREVIOUS CALENDAR YEAR.

1 (II) THE REPORT SHALL CONTAIN THE FOLLOWING  
2 INFORMATION:

3 1. THE TOTAL NUMBER OF RESIDENTIAL BUILDING  
4 PERMITS ISSUED BY A LOCAL JURISDICTION;

5 2. THE TOTAL NUMBER OF NEW DWELLING UNITS THAT  
6 WILL BE CREATED AS A RESULT OF ISSUING THE RESIDENTIAL BUILDING PERMITS;

7 3. FOR EACH TYPE OF RESIDENTIAL BUILDING  
8 PRODUCED IN THE LOCAL JURISDICTION:

9 A. THE TOTAL NUMBER OF BUILDING PERMITS ISSUED  
10 FOR THE TYPE OF RESIDENTIAL BUILDING;

11 B. THE TOTAL NUMBER OF RESIDENTIAL BUILDINGS FOR  
12 WHICH CONSTRUCTION HAS BEGUN; AND

13 C. THE TOTAL NUMBER OF NEW DWELLING UNITS THAT  
14 WILL BE CREATED ONCE THE RESIDENTIAL BUILDINGS ARE COMPLETED; AND

15 4. THE TOTAL NUMBER OF NEW DWELLING UNITS ADDED  
16 TO THE PROPERTY TAX ROLLS.

17 (2) THE INFORMATION IN THE REPORT SHALL BE DISAGGREGATED  
18 BY LOCAL JURISDICTION.

19 (3) THE DEPARTMENT OF PLANNING MAY PARTNER WITH THE STATE  
20 DEPARTMENT OF ASSESSMENTS AND TAXATION TO COMPLETE THE REPORT  
21 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

22 1-401.

23 (a) Except as provided in this section, this division does not apply to charter  
24 counties.

25 (b) The following provisions of this division apply to a charter county:

26 (1) this subtitle, including Parts II and III (Charter county –  
27 Comprehensive plans);

28 (2) § 1-101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,  
29 and “Sensitive area”);

- 1 (3) § 1–201 (Visions);
- 2 (4) § 1–206 (Required education);
- 3 (5) § 1–207 (Annual report – In general);
- 4 (6) § 1–208 (Annual report – Measures and indicators);
- 5 (7) **§ 1–209 (ANNUAL REPORT – BUILDING PERMITS);**
- 6 (8) Title 1, Subtitle 3 (Consistency);
- 7 [(8)] (9) Title 1, Subtitle 5 (Growth Tiers);
- 8 [(9)] (10) § 4–104(b) (Limitations – Bicycle parking);
- 9 [(10)] (11) § 4–208 (Exceptions – Maryland Accessibility Code);
- 10 [(11)] (12) § 4–210 (Permits and variances – Solar panels);
- 11 [(12)] (13) § 4–211 (Change in zoning classification – Energy generating  
12 systems);
- 13 [(13)] (14) § 4–212 (Agritourism);
- 14 [(14)] (15) § 4–213 (Alcohol production);
- 15 [(15)] (16) § 4–214 (Agricultural alcohol production);
- 16 [(16)] (17) § 5–102(d) (Subdivision regulations – Burial sites);
- 17 [(17)] (18) § 5–104 (Major subdivision – Review);
- 18 [(18)] (19) Title 7, Subtitle 1 (Development Mechanisms);
- 19 [(19)] (20) Title 7, Subtitle 2 (Transfer of Development Rights);
- 20 [(20)] (21) except in Montgomery County or Prince George’s County, Title  
21 7, Subtitle 3 (Development Rights and Responsibilities Agreements);
- 22 [(21)] (22) Title 7, Subtitle 4 (Inclusionary Zoning);
- 23 [(22)] (23) § 8–401 (Conversion of overhead facilities);

1            ~~[(23)]~~ **(24)** for Baltimore County only, Title 9, Subtitle 3 (Single-County  
2 Provisions – Baltimore County);

3            ~~[(24)]~~ **(25)** for Frederick County only, Title 9, Subtitle 10 (Single-County  
4 Provisions – Frederick County);

5            ~~[(25)]~~ **(26)** for Howard County only, Title 9, Subtitle 13 (Single-County  
6 Provisions – Howard County);

7            ~~[(26)]~~ **(27)** for Talbot County only, Title 9, Subtitle 18 (Single-County  
8 Provisions – Talbot County); and

9            ~~[(27)]~~ **(28)** Title 11, Subtitle 2 (Civil Penalty).

10           (c) This section supersedes any inconsistent provision of Division II of this article.  
11 1–402.

12           (a) In addition to the powers the county may have had under this division before  
13 adopting code home rule, a code county may exercise the powers relating to land use stated  
14 in Title 10 of the Local Government Article.

15           (b) A code county that chooses to exercise the powers relating to land use stated  
16 in Title 10 of the Local Government Article shall be treated as a charter county for purposes  
17 of § 1–401 of this subtitle.

18 10–103.

19           (a) Except as provided in this section, this division does not apply to Baltimore  
20 City.

21           (b) The following provisions of this division apply to Baltimore City:

22           (1) this title;

23           (2) § 1–101(m) (Definitions – “Priority funding area”);

24           (3) § 1–101(o) (Definitions – “Sensitive area”);

25           (4) § 1–201 (Visions);

26           (5) § 1–206 (Required education);

27           (6) § 1–207 (Annual report – In general);

28           (7) § 1–208 (Annual report – Measures and indicators);

1           (8)    **§ 1-209 (ANNUAL REPORT – BUILDING PERMITS);**

2           (9)    Title 1, Subtitle 3 (Consistency);

3           [(9)] (10) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –  
4 Comprehensive Plans; Implementation);

5           [(10)] (11) § 4-104(b) (Limitations – Bicycle parking);

6           [(11)] (12) § 4-205 (Administrative adjustments);

7           [(12)] (13) § 4-207 (Exceptions – Maryland Accessibility Code);

8           [(13)] (14) § 4-210 (Permits and variances – Solar panels);

9           [(14)] (15) § 4-211 (Change in zoning classification – Energy generating  
10 systems);

11          [(15)] (16) § 5-102(d) (Subdivision regulations – Burial sites);

12          [(16)] (17) Title 7, Subtitle 1 (Development Mechanisms);

13          [(17)] (18) Title 7, Subtitle 2 (Transfer of Development Rights);

14          [(18)] (19) Title 7, Subtitle 3 (Development Rights and Responsibilities  
15 Agreements);

16          [(19)] (20) Title 7, Subtitle 4 (Inclusionary Zoning); and

17          [(20)] (21) Title 11, Subtitle 2 (Civil Penalty).

18               SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2022.