A BILL ENTITLED

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Land Use
Section 1–208(c)(1), 1–401, and 10–103
Annotated Code of Maryland
(2012 Volume and 2021 Supplement)

BY repealing

Article – Land Use
Section 1–208(c)(3)
Annotated Code of Maryland
(2012 Volume and 2021 Supplement)

BY adding to

Article – Land Use
Section 1–209
Annotated Code of Maryland
(2012 Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Land Use

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Land Use

1–208.

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

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

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

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

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

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

1. the local goal;

2. the time frame for achieving the local goal;

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

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

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

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

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

1–209.

(A) (1) On or before July 1, 2023, and each July 1 thereafter, each local jurisdiction shall report the following information to the Department of Planning for the previous calendar year:

(I) the number of residential building permits issued in the local jurisdiction;

(II) the type of residential building to be constructed under each residential building permit;

(III) for each multifamily dwelling that receives a residential building permit, the number of individual dwelling units proposed for the multifamily dwelling; and

(IV) whether construction began on the building subject to the residential building permit.

(2) For the purpose of paragraph (1)(II) of this subsection, the following classifications of type shall be used for each residential building:

(I) single–family, detached;

(II) single–family, attached;

(III) multifamily dwelling; and

(IV) accessory dwelling unit.

(3) The Department of Planning shall adopt regulations establishing the methods the local jurisdictions shall use to report the information required under paragraph (1) of this subsection.

(B) (1) (I) On or before October 1, 2023, and each October 1 thereafter, the Department of Planning shall, in accordance with § 2–1257 of the State Government Article, report to the General Assembly on the development of housing in the State during the previous calendar year.
(II) The report shall contain the following information:

1. The total number of residential building permits issued by a local jurisdiction;

2. The total number of new dwelling units that will be created as a result of issuing the residential building permits;

3. For each type of residential building produced in the local jurisdiction:
   A. The total number of building permits issued for the type of residential building;
   B. The total number of residential buildings for which construction has begun; and
   C. The total number of new dwelling units that will be created once the residential buildings are completed; and

4. The total number of new dwelling units added to the property tax rolls.

(2) The information in the report shall be disaggregated by local jurisdiction.

(3) The Department of Planning may partner with the State Department of Assessments and Taxation to complete the report required under paragraph (1) of this subsection.

1–401.

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

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

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

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);
§ 1–201 (Visions);

§ 1–206 (Required education);

§ 1–207 (Annual report – In general);

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

§ 1–209 (Annual report – Building permits);

Title 1, Subtitle 3 (Consistency);

Title 1, Subtitle 5 (Growth Tiers);

§ 4–104(b) (Limitations – Bicycle parking);

§ 4–208 (Exceptions – Maryland Accessibility Code);

§ 4–210 (Permits and variances – Solar panels);

§ 4–211 (Change in zoning classification – Energy generating systems);

§ 4–212 (Agritourism);

§ 4–213 (Alcohol production);

§ 4–214 (Agricultural alcohol production);

§ 5–102(d) (Subdivision regulations – Burial sites);

§ 5–104 (Major subdivision – Review);

Title 7, Subtitle 1 (Development Mechanisms);

Title 7, Subtitle 2 (Transfer of Development Rights);

Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

Title 7, Subtitle 4 (Inclusionary Zoning);

§ 8–401 (Conversion of overhead facilities);
[(24) (24)] for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);

[(25) (25)] for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);

[(26) (26)] for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);

[(27) (27)] for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); and

[(28) (28)] Title 11, Subtitle 2 (Civil Penalty).

(c) This section supersedes any inconsistent provision of Division II of this article.

10 1–402.

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

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

18 10–103.

19 (a) Except as provided in this section, this division does not apply to Baltimore 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);
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3 (9) Title 1, Subtitle 3 (Consistency);
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5 [(9)] (10) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);
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7 [(10)] (11) § 4–104(b) (Limitations – Bicycle parking);
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9 [(11)] (12) § 4–205 (Administrative adjustments);
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11 [(12)] (13) § 4–207 (Exceptions – Maryland Accessibility Code);
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13 [(13)] (14) § 4–210 (Permits and variances – Solar panels);
14
15 [(14)] (15) § 4–211 (Change in zoning classification – Energy generating systems);
16
17 [(15)] (16) § 5–102(d) (Subdivision regulations – Burial sites);
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19 [(16)] (17) Title 7, Subtitle 1 (Development Mechanisms);
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21 [(17)] (18) Title 7, Subtitle 2 (Transfer of Development Rights);
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23 [(18)] (19) Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);
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25 [(19)] (20) Title 7, Subtitle 4 (Inclusionary Zoning); and
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27 [(20)] (21) Title 11, Subtitle 2 (Civil Penalty).

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