

HOUSE BILL 1141

L6

6lr3126

By: **Delegates S. Johnson and A. Johnson**

Introduced and read first time: February 11, 2026

Assigned to: Government, Labor, and Elections

A BILL ENTITLED

1 AN ACT concerning

2 **Municipal Incorporation – County Commissioners or County Council –**
3 **Required Approval of Referendum Request**

4 FOR the purpose of increasing the minimum population threshold for municipal
5 incorporation; requiring a certain organizing committee to make certain
6 determinations and provide a certain report to the county commissioners or county
7 council of a certain county regarding a proposed municipal incorporation; requiring
8 the county to post a certain report on the county’s website within a certain time
9 frame; requiring a certain organizing committee to present a certain statement with
10 a proposed municipal charter; requiring the county commissioners or county council
11 to approve a certain referendum request in a certain manner if a valid petition to
12 incorporate an area as a municipality is presented by a certain percentage of the
13 registered voters who are residents of the area proposed to be incorporated; requiring
14 the county commissioners or county council to specify in a certain resolution that a
15 certain vote shall be held in the next general election under certain circumstances;
16 and generally relating to the incorporation of municipalities.

17 BY repealing and reenacting, without amendments,
18 Article – Local Government
19 Section 4–201, 4–202, and 4–204
20 Annotated Code of Maryland
21 (2013 Volume and 2025 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Local Government
24 Section 4–203 and 4–205 through 4–207
25 Annotated Code of Maryland
26 (2013 Volume and 2025 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Local Government**

2 4–201.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “County liaison” means a county official, or the designee of the county official,
5 who coordinates communication between the organizing committee and the county.6 (c) “Organizing committee” means the group of individuals from the organizing
7 community that works with the county commissioners or county council on the proposed
8 municipal incorporation after a petition for incorporation is verified.9 (d) “Organizing community” means individuals residing in an unincorporated
10 area who are interested in forming a municipality.

11 4–202.

12 This subtitle governs municipal incorporation.

13 4–203.

14 An area proposed to be incorporated shall contain at least [300] **600** residents before
15 the organizing community may proceed under this subtitle.

16 4–204.

17 (a) A proposal to incorporate an area as a municipality is initiated when a valid
18 petition is presented to the county commissioners or county council of a county by:19 (1) at least 25% of the registered voters who are residents of the area
20 proposed to be incorporated; or21 (2) at least 20% of the registered voters who are residents of the area
22 proposed to be incorporated, together with the owners of at least 25% of the assessed
23 valuation of the real property of the area proposed to be incorporated.

24 (b) The Office of the Attorney General shall:

25 (1) create a standard petition form for use by an organizing community;
26 and27 (2) provide the board of elections of each county with the form for
28 distribution to an organizing community.

29 (c) A petition presented under subsection (a) of this section shall:

1 (1) express the interest of the subscribing individuals in the incorporation
2 of the area;

3 (2) contain a detailed description of the boundaries of the area proposed to
4 be incorporated, including a survey of courses and distances or general landmarks and
5 place names;

6 (3) state the name of the new municipality, which may not be the same as
7 a name used by a municipality or county in the State; and

8 (4) state the names of the individuals who will initially represent the
9 organizing community on the organizing committee.

10 (d) The organizing community shall obtain the minimum number of valid
11 signatures required under subsection (a) of this section within 18 months after the
12 organizing community receives the standard petition form from the county board of
13 elections.

14 (e) Each person signing the petition shall indicate on the petition:

15 (1) the person's name and residence address; and

16 (2) if the petition is intended to be presented under subsection (a)(2) of this
17 section and the person signing the petition owns real property in the area proposed to be
18 incorporated, the location and assessed valuation of the property.

19 (f) Within 60 days after receiving a petition, the county commissioners or county
20 council shall:

21 (1) verify that each person who signed the petition:

22 (i) resides in the area proposed to be incorporated;

23 (ii) is registered to vote in the elections of that county; and

24 (iii) if applicable, owns real property within the area proposed to be
25 incorporated;

26 (2) verify that the petition meets the requirements of this section; and

27 (3) appoint a county liaison if the petition meets the requirements of this
28 section.

29 (g) A petition, when received, becomes the property of the county commissioners
30 or county council and may not be used to initiate another incorporation.

1 (h) A proposal to incorporate a municipality and to adopt a municipal charter may
2 not be rescinded after the formal submission of the proposal in a manner other than that
3 of a formal charter repeal as provided in §§ 4–313 and 4–314 of this title.

4 4–205.

5 (a) (1) Within 90 days after the county commissioners or county council has
6 verified that a petition presented under § 4–204 of this subtitle is valid, the organizing
7 committee shall:

8 (i) actively seek information and input from the county;

9 (ii) hold a public meeting to collect testimony on the proposed
10 incorporation; [and]

11 **(III) DETERMINE:**

12 **1. THE LIKELY FISCAL EFFECT OF THE PROPOSED**
13 **INCORPORATION ON RESIDENTS OF THE PROPOSED MUNICIPALITY, RESIDENTS IN**
14 **THE VICINITY OF THE PROPOSED MUNICIPALITY, AND THE COUNTY;**

15 **2. THE SERVICES THAT THE PROPOSED MUNICIPALITY**
16 **IS EXPECTED TO PROVIDE; AND**

17 **3. ANY ADVERSE ECONOMIC EFFECTS ON THE COUNTY**
18 **AS A RESULT OF THE PROPOSED INCORPORATION; AND**

19 [(iii)] **(IV)** provide the county commissioners or county council with a
20 report on issues related to the proposed incorporation.

21 **(2) THE COUNTY SHALL POST THE REPORT ON THE COUNTY'S**
22 **WEBSITE AS SOON AS THE COUNTY COMMISSIONERS OR COUNTY COUNCIL RECEIVES**
23 **THE REPORT.**

24 **[(2)] (3)** During the 90–day period, the county shall cooperate fully with
25 the organizing committee.

26 (b) The organizing committee shall:

27 (1) notify the county liaison of all meetings and deliberations of the
28 organizing committee; and

29 (2) give the county liaison full opportunity to participate in all meetings
30 and deliberations of the organizing committee.

1 (c) Within 45 days after receiving the report required under subsection
2 ~~[(a)(1)(iii)] (A)(1)(IV)~~ of this section, the county commissioners or county council or its
3 designee may review the report and provide comments to the organizing committee on
4 issues relating to the proposed incorporation.

5 4–206.

6 (a) The organizing committee shall present to the county commissioners or county
7 council a proposed municipal charter:

8 (1) within 45 days after receiving the comments submitted to the
9 organizing committee under § 4–205(c) of this subtitle; or

10 (2) if the county commissioners or county council has not submitted
11 comments, within 90 days after the report is submitted by the organizing committee under
12 ~~[§ 4–205(a)(1)(iii)] § 4–205(A)(1)(IV)~~ of this subtitle.

13 (b) The organizing committee shall submit statements with the proposed
14 municipal charter describing:

15 (1) the likely fiscal effect of the proposed incorporation on residents of the
16 proposed municipality, residents in the vicinity of the proposed municipality, and the
17 county;

18 (2) the services that the proposed municipality is expected to provide; ~~[and]~~

19 (3) **A COMPARISON OF THE PROJECTED ANNUAL EXPENDITURES**
20 **REQUIRED TO PROVIDE THE SERVICES PROPOSED IN ITEM (2) OF THIS SUBSECTION**
21 **AND THE PROJECTED ANNUAL LOCAL INCOME TAX REVENUE TO BE RECEIVED BY**
22 **THE PROPOSED MUNICIPALITY UNDER § 2–607 OF THE TAX – GENERAL ARTICLE;**
23 **AND**

24 (4) the impact that the proposed incorporation is expected to have on
25 property tax rates.

26 4–207.

27 **(A) IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL RECEIVES A**
28 **REFERENDUM REQUEST PRESENTED BY AT LEAST 40% OF THE REGISTERED VOTERS**
29 **WHO ARE RESIDENTS OF THE AREA PROPOSED TO BE INCORPORATED, THEN THE**
30 **COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:**

31 **(1) APPROVE THE REFERENDUM REQUEST;**

32 **(2) SPECIFY, BY RESOLUTION, THAT A VOTE ON THE PROPOSED**

1 INCORPORATION BY THE VOTERS OF THE AREA TO BE INCORPORATED SHALL BE
2 HELD IN THE NEXT GENERAL ELECTION; AND

3 (3) INCLUDE IN THE RESOLUTION THE EXACT TEXT OF THE
4 PROPOSED MUNICIPAL CHARTER AS SUBMITTED BY THE ORGANIZING COMMITTEE.

5 [(a)] (B) (1) If the county commissioners or county council approves [the] A
6 referendum request PRESENTED BY LESS THAN 40% OF THE REGISTERED VOTERS
7 WHO ARE RESIDENTS OF THE AREA PROPOSED TO BE INCORPORATED, THEN,
8 between 40 and 60 days after it receives the proposed municipal charter, the county
9 commissioners or county council shall specify, by resolution, the day and hours for a vote
10 on the proposed incorporation by the voters of the area to be incorporated.

11 (2) The resolution shall include the exact text of the proposed municipal
12 charter as submitted by the organizing committee.

13 [(b)] (C) (1) If the county commissioners or county council rejects the
14 referendum request, the county commissioners or county council shall:

15 (i) provide in writing and make available to the public within a
16 reasonable time the reasons for the rejection; and

17 (ii) establish reasonable procedures by which the county
18 commissioners or county council shall reconsider a referendum request, including an
19 opportunity for a public hearing with sufficient advance public notice.

20 (2) After the hearing and reconsideration process is completed, the county
21 commissioners or county council, by resolution, shall affirm the rejection or approve the
22 referendum request.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2026.