



Montgomery County

Office of Intergovernmental Relations

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HB 464

DATE: April 2, 2021

SPONSOR: Montgomery County Delegation and Prince George's County Delegation

ASSIGNED TO: Education, Health and Environmental Affairs

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COUNTY EXECUTIVE POSITION: Support

Maryland-National Capital Park and Planning Commission – Mandatory Referral Review MC/PG 101-21

The Maryland-Washington Regional District Act includes a “mandatory referral” process that prohibits public entities from conducting the following activities unless the location, character, grade, and extent of the activity is referred to and reviewed by the Maryland-National Capital Park and Planning Commission (Commission): (1) acquiring or selling land; (2) locating, constructing, or authorizing a road, park, public way or ground, public building or structure, or public or private utility; and (3) changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed in item (2). Unless the entity submitting the project agrees to a longer period, the project is deemed approved if the Commission fails to act within 60 days after submission. If the Commission disapproves a submission, the submitter may disregard the disapproval.

This bill establishes a process that allows the Commission to ensure that it has a complete submission with all relevant information before the 60-day shot clock begins to run. The term “complete submission” is defined to mean an explanatory narrative accompanied by engineering or architectural drawings that depict the proposed location, character, grade, and extent of the activities. The bill requires the Commission to notify the submitter within three business days after receiving a submission (or amendment) that the submission (or amendment) is: (1) complete and accepted by the Commission; or (2) rejected as incomplete by the Commission. If the submission is rejected as incomplete, the Commission must provide an itemized list of missing information.

The Commission must act on an amended submission within 60 days after receipt and notify the submitting entity of its completeness within three business days after receipt. If a submission is rejected as incomplete after amendments have been submitted at least three times, the submitter may notify the Commission that it is unable to provide additional information through reasonable means. On receipt of such notice, the Commission must accept the submission as complete and act on it within 60 days.

The County Executive agrees that it is important for the Commission to obtain all relevant information before acting on a mandatory referral submission and respectfully requests that the Committee give the bill a favorable report.