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**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

January 26, 2024

BILL NUMBER: Senate Bill 268 – First Reader

SHORT TITLE: Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Enforcement

DEPARTMENT’S POSITION: SUPPORT

EXPLANATION OF COMMISSION’S POSITION

The Commission supports SB 268. The Critical Area statute is implemented through local codes, subject to the oversight of the Critical Area Commission. This bill will modify existing statutory authority related to local enforcement procedures and enhance the Commission’s ability to assist with local enforcement actions when necessary.

BACKGROUND INFORMATION

The Critical Area law was last comprehensively updated by the General Assembly in 2008 and included additional enforcement procedures and authorities. Significant variety exists among Critical Area jurisdictions’ enforcement procedures and processes. The proposed technical amendments are necessary to accommodate all of the varied processes and procedures of the local Critical Area jurisdictions. Further, the proposed changes would clarify when and under what circumstances enforcement matters can be brought by the Office of the Attorney General, ensuring effective and consistent enforcement for all Critical Area violations.

BILL EXPLANATION

The proposed legislation will achieve the following:

1. Clarify the enforcement provisions, penalties, and after-the-fact variance procedures in a local jurisdictions’ Critical Area Program to ensure those authorities are consistent with a jurisdictions’ code or charter by eliminating the terms ‘administrative’, ‘civil’, and ‘criminal’;
2. Eliminate the 30-day waiting period after the Chair of the Commission notifies a local jurisdiction of its failure to enforce the requirements of a Critical Area Program; and

3. Clarify the conditions under which the Attorney General may bring an enforcement action for a violation of an order, permit, plan, local program, or Critical Area statute or regulation.