

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2024-02

Introduced by _____ Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE CITY CHARTER FOR ESTABLISHING A POSITION OF OPPOSITION TO SENATE BILL 484 AND HOUSE BILL 538 INTRODUCED IN THE 446 SESSION OF THE MARYLAND GENERAL ASSEMBLY

WHEREAS, “The American people have always acted upon the deep-seated conviction that local matters can better be regulated by the people of the locality than by the state or central authority. One controlling idea of local self-government is to bring the officials nearer to the people whose interests are immediately affected by official conduct” E. McQuillin, *Municipal Corporations* § 70 (1911); and

WHEREAS, “The term ‘the people’ means a body politic, a corporate unit forming a compact organized society and acting as a political entity by and through representatives who constitute for the time being, the public authorities to whom is confided the duty of carrying out the will of the society, whether in making, executing or construing the rules and regulation comprehensively termed laws” E. McQuillin, *Municipal Corporations* § 62 (1911); and

WHEREAS, “The residents of a municipality are a municipal corporation” *Md. Local Government Code Ann. § 4-103*; and

WHEREAS, pursuant to Chapter 440 of the *1878 Laws of Maryland*, the citizens of Havre de Grace have incorporated into a body politic and corporate under the name the Mayor and City Council of Havre de Grace; and

WHEREAS, since the City's incorporation the Citizens of Havre de Grace have effectively developed and executed land use ordinances that are reflective of the diversity of this historic community and have been responsible stewards of the authority granted to them; and

WHEREAS, it is in the best interest of the citizens of Havre de Grace to retain full authority granted under the Maryland Constitution Home Rule Article XI-E and Maryland’s Land Use and Local Government Articles; and

WHEREAS, the 446 session of the Maryland General Assembly convened on January 10, 2024; and

WHEREAS, at the request of the Governor of the state of Maryland Senate Bill 484 and House Bill 538 *Land Use - Affordable Housing - Zoning Density and Permitting (Housing Expansion and Affordability Act of 2024)* have been introduced in the Maryland General Assembly; and

WHEREAS, if passed, Senate Bill 484 and House Bill 538, according to Maryland’s Department of Legislative Services, would prohibit “a local legislative body from prohibiting the placement of a certain manufactured home in certain residential zoning districts under certain circumstances; prohibiting a local jurisdiction from using an element of an adequate public facilities law to deny certain permits for certain State-funded affordable housing projects or other qualified projects or to restrict or limit the development of the projects in a certain manner”; and

WHEREAS, before any bill introduced in the Maryland General Assembly is passed, it must receive a public hearing at which time the public has the opportunity to submit a position of favorable, favorable with amendments, unfavorable, or information through written or oral testimony; and

WHEREAS, it is in the best interest of the citizens of Havre de Grace for the Mayor and City Council of Havre de Grace to oppose Senate Bill 484 and House Bill 538.

NOW, THEREFORE, it is determined, decided, and resolved by the City Council that:

1. The Mayor and City Council of Havre de Grace (“the City”) reaffirm its position opposing legislation that would diminish a municipal government's authority for any powers presently granted under the Maryland Constitution or by the State Legislature under the Local Government Article or under the Land Use Article of the Annotated Code of Maryland.
2. It is the position of the City that if SB 484 and House Bill 538 are passed as introduced the general welfare of the citizens of the City of Havre de Grace would be harmed because the legislation would deprive local elected officials and zoning and land use bodies the authority to manage the maximum density of residential areas when compared with local zoning laws, historic preservation, availability of local business resources to service increased population, environmental impacts, and increased burdens on public facilities, all of which must be balanced to provide a healthy, thriving community for the citizens.
3. It is the position of the City that adequate public facilities ordinances serve the public's best interest and allow for managed growth consistent with the City’s well-thought out comprehensive plan. SB 484 and House Bill 538 would deny the underlying purposes of adequate public facilities laws, which are to ensure that such that public facilities are present or paid for prior to development. All residential communities, no matter their income levels, are entitled to adequate public facilities and those citizens already burdened with taxes, utilities rates, and other fees to support the City’s existing facilities should not bear the burden of unrestrained high density growth.

4. The City opposes Senate Bill 484 and House Bill 538 *Land Use - Affordable Housing - Zoning Density and Permitting (Housing Expansion and Affordability Act of 2024)*.
5. The City respectfully requests the Maryland Senate Education, Energy, and Environment Committee to give Senate Bill 484 an unfavorable report.
6. The City respectfully requests the Maryland House of Delegates Environment and Transportation Committee to give House Bill 538 an unfavorable report.
7. The Mayor or his designee may submit testimony opposing Senate Bill 484 and House Bill 538.

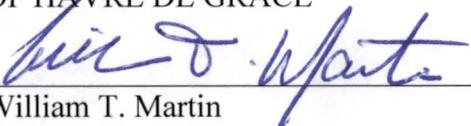
ADOPTED by the City Council of Havre de Grace, Maryland this 5th day of February, 2024.

SIGNED by the Mayor and attested by the Director of Administration this 6th day of February, 2024.

ATTEST:



Christopher Ricci
Director of Administration

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE


William T. Martin
Mayor

Introduced: 2/5/2024
Passed/Adopted: 2/5/2024
Effective Date: 2/6/2024