



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

## **POSITION STATEMENT**

**Bill:** HB 1413 Prince George's Development Authority

**Position:** Oppose

**Date:** March 25, 2024

**Contact:** Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Vanessa Atterbeary and Vice Chair Jheanelle K. Wilkins,

The Prince George's County Planning Board (the "Board") has voted to oppose the amended language added to this bill, formerly proposed as bi-county bill HB 1104 Prince George's County Zoning and Land Use Fairness and Zoning Bill - PG/MC 106-24. The Commission respectfully requests that the Ways and Means Committee consider this information and include it in the record.

**What this Amended Bill Does.** This bill in its original form sought to only establish a Prince George's Development Authority in Prince George's County to support and develop a certain neighborhood revitalization plan in coordination with certain residents. Its only requirement from the Commission was to help staff the authority with an appointee.

**The newly introduced amendments seek to change the entire goal of the original bill by providing that the Prince George's County Planning Board's authority over zoning and subdivision matters is not exclusive and may be subject to review by the Prince George's County District Council under certain circumstances. It also alters the jurisdiction of the Prince George's County Planning Board over certain local functions and certain mandatory referrals. It is very important to note, this bill seriously amends several sections of the land use article to supersede the balance of authority and jurisdiction between the Board and the District Council by removing the Planning Board's exclusive jurisdiction over certain local zoning and subdivision matters. The bill seeks to fundamentally change the nature of the Planning Board's jurisdiction and turns the Prince George's County Council into an uber-Planning Board.**

**Background.** The Regional District Act created a symbiotic relationship between the Commission and the District Council whereby the Commission made up of its two local planning boards is the administrative agency that handles local planning matters of an administrative nature, while the District Councils are made up of each respective County Councils which act as the legislative authority over zoning matters. Succinctly stated, the **District Council establishes law** and policy, the **Planning Board implements law** and policy. This amendment attempts to eliminate this balance of power and give all-encompassing authority to the District Council by allowing the county council to enact the zoning regulations *and* implement those regulations down to verifying number or width of parking spaces, which is generally not a legislative issue.

**Removes Authority of the County Planning Board.** Under current law, the Board holds vital responsibilities for planning, subdivision and zoning functions. **The amended bill would allow the District Council to ignore the Planning Board's findings of fact**, change the record and substitute their interpretation of the facts for the Planning Board's. This is not the way administrative law works. *One* fact finder is supposed to determine the facts and make the initial decision, and subsequent reviews test whether the law has been followed by the administrative fact finder. Granting the District Council the authority to be a 2<sup>nd</sup> fact finder introduces unnecessary, confusing and duplicate layers of review and approval authority for the same set of zoning laws.

**This bill is an economic development nightmare that will upend the development process in Prince George's County and make all development decisions, including the 8-foot parking space, subject to political winds. The Governor and the General Assembly have made it clear that facilitating affordable housing in the state is a major priority. This bill will, and is designed to, discourage affordable housing such as townhouses and multifamily as it will allow the District Council to subject every housing development to its own version of community survey, poll, popularity contest or petition. This bill represents a NIMBY sensibility that would make all development in Prince George's uncertain and therefore more costly.**

For these reasons, the Commission requests an unfavorable report on HB 1413.