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Judicial Proceedings Committee
Executive Nominations Committee

Senate Chair
Joint Committee on
Children, Youth, and Families

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Mary-Dulany James
In Support of SB 546 – Municipal Incorporation – County Commissioners or
County Council – Required Approval of Referendum Request
Before the Senate Education, Energy, and the Environment Committee
February 25th, 2025

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee,

In 1954, Maryland ratified Article XI-E of the Maryland Constitution, which provided for municipal home rule and established that communities should have a pathway to seek municipal incorporation. Since that change to the constitution, the only new municipalities in Maryland have been located in Montgomery County and all were originally created by the state as special taxing districts. All other petitions of incorporation in Maryland in recent years have been rejected by the county in which the community seeking incorporation is located.

Communities may seek municipal incorporation for many reasons. They may seek to have authority over development and zoning, local finances, and government services. Communities also may seek to apply for their own grants and have the ability to decide what quality of life projects they want in their communities.

In current law, Title 4, Subtitle 2 of the Local Government Article prescribes the manner in which a new municipality may be incorporated. To incorporate, a community must consist of at least 300 residents and a petition to incorporate must be submitted to the county in which the area proposed for incorporation is located. For a petition to be considered valid, it must contain the signatures of:

- (1) at least 25% of registered voters of the area proposed to be incorporated, or
- (2) at least 20% of registered voters of the area proposed to be incorporated, together with the owners of at least 25% of the assessed valuation of the real property of the area proposed to be incorporated

If a community submits a valid petition, the county must appoint a liaison to work with the community's organizing committee to exchange information regarding what incorporation would entail and to develop a new proposed charter. Next, the county *may* schedule a referendum regarding incorporation or can reject the proposed incorporation.

In practice, this has meant that counties can reject petitions for incorporation even if the community shows a clear will to incorporate and has the means to self-govern. In my district, many in the community of Edgewood have been seeking to incorporate for years and even submitted a petition to Harford County in 1997, but they have not made any significant progress towards incorporating since then.

Edgewood's attempt at incorporation – and Harford County's rejection – highlights the flaws in the current system. This bill represents the first step towards fixing these flaws.

Senate Bill 546 aims to create a better balance of power between communities and county governments to ensure that local communities with the will and means to incorporate cannot continue to be rejected. Under Senate Bill 546, a county will be required to approve a referendum request for municipal incorporation if the petition to the county includes signatures of at least 40% of the registered voters who are residents of the unincorporated area. If a community can meet this very high standard to clearly demonstrate the will to incorporate, they will now have the opportunity to actually do so.

The bill would require the organizing committee for the proposed municipal incorporation to report to the county the likely fiscal impact of incorporation to residents and the county government, as well as what services the new municipal incorporation plans to provide and any adverse impacts the county could face as a result of incorporation. This ensures that any community seeking to incorporate and the county in which it is located can all be well aware of any impacts incorporation may have before moving forward.

In short, this bill will help level the playing field between communities and their county governments in discussions regarding municipal incorporation. I appreciate the Committee's consideration of Senate Bill 546 and ask for a Favorable Report.

Respectfully,

A handwritten signature in black ink, appearing to read "Mary-Dulany James". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Senator Mary-Dulany James