

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2010 Legislative Session**

Bill No. CB-7-2010

Chapter No. 19

Proposed and Presented by The Chairman (by request – Planning Board)

Introduced by Council Members Dean and Turner

Co-Sponsors \_\_\_\_\_

Date of Introduction June 8, 2010

**SUBDIVISION BILL**

1 AN ACT concerning

2 Validity periods for Preliminary Plans of Subdivision

3 For the purpose of temporarily suspending or tolling the validity periods of all approved  
4 applications for Preliminary Plans of Subdivision that were in a valid status as of January 1,  
5 2010.

6 WHEREAS, there continues a state of national recession, which has drastically affected  
7 various segments of the State and County economy, but none as severely as the County's  
8 banking, real estate, and construction sectors; and

9 WHEREAS, the real estate finance sector of the economy is in severe decline due to the  
10 subprime mortgage problem and the resulting widening mortgage finance crisis; and

11 WHEREAS, as a result of the crisis in the real estate finance sector of the economy, real  
12 estate developers, homebuilders, and commercial, office, and industrial developers have  
13 experienced an industry-wide decline, including reduced demand, canceled orders, declining  
14 sales, rental price reductions, increased inventory, fewer buyers who qualify to purchase homes,  
15 layoffs, and scaled-back growth plans; and

16 WHEREAS, the process of obtaining planning board, development review, and zoning  
17 approvals for subdivisions, detailed site plans, and specific design plans can be difficult, time-  
18 consuming and expensive for both private applicants and public bodies; and

19 WHEREAS, approvals for preliminary plans of subdivision are impossible to renew and  
20 can be difficult to re-obtain if expired or lapsed; and

21

1           WHEREAS, determinations of master plan consistency, conformance, or endorsement with  
2 appropriate regional plans may expire or lapse without implementation due to the state of the  
3 economy; and

4           WHEREAS, the current national recession has severely weakened the building industry,  
5 and many landowners and developers are seeing their life's work destroyed by the lack of credit  
6 and dearth of buyers and tenants due to the crisis in real estate financing and the building  
7 industry, uncertainty over the state of the economy, and increasing levels of unemployment in  
8 the construction industry; and

9           WHEREAS, the construction industry and related trades are sustaining severe economic  
10 losses, and the lapsing of government development approvals would, if not addressed, exacerbate  
11 those losses; and

12           WHEREAS, financial institutions that lend money to property owners, builders, and  
13 developers are experiencing erosion of collateral and depreciation of their assets as approvals  
14 expire, and the extension of these approvals is necessary to maintain the value of the collateral  
15 and the solvency of financial institutions in the State and County; and

16           WHEREAS, due to the current inability of builders and their purchasers to obtain financing,  
17 under existing economic conditions, more and more validity periods for approvals are expiring or  
18 lapsing and, as these approvals lapse, lenders must reappraise and thereafter substantially lower  
19 real estate valuations established in conjunction with approved projects, thereby requiring the  
20 reclassification of numerous loans which, in turn, affects the stability of the banking system and  
21 reduces the funds available for future lending, thus creating more severe restrictions on credit  
22 and leading to a vicious cycle of default; and

23           WHEREAS, as a result of the continued downturn of the economy, and the continued  
24 expiration of approvals which were granted by the County, it is possible that thousands of  
25 government actions will be undone by the passage of time; and

26           WHEREAS, obtaining an extensions of an approval pursuant to existing statutory or  
27 regulatory provisions are either unavailable or costly in terms of time and financial resources,  
28 and may be insufficient to cope with the extent of the present financial situation; and

29           WHEREAS, it is the purpose of this Ordinance to help prevent the wholesale abandonment  
30 of approved projects and activities due to the present unfavorable economic conditions, by  
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1 tolling the validity periods for all approved applications for Preliminary Plans of Subdivision that  
2 were in a valid status as of January 1, 2010; and

3 WHEREAS, members of the Maryland House of Delegates approved and the Governor  
4 signed into law emergency legislation during the 2009 term of the Maryland General Assembly  
5 to extend or toll permits and approvals for construction that are required by the State, known as  
6 Chapter 335, 2009 Laws of Maryland, and the purposes stated in that proposed legislation are  
7 substantially similar to the purposes set forth herein; and

8 WHEREAS, it is the intent of the District Council to assist in the mitigation of the current  
9 financial crisis in Prince George's County through suspending or tolling the validity periods of  
10 all approved applications for Preliminary Plans of Subdivision that were in a valid status as of  
11 January 1, 2010; now therefore,

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that the provisions for the running of validity periods contained in Section 24-119 of  
14 the Subdivision Regulations of the County Code, are hereby temporarily suspended until  
15 December 31, 2011.

16 SECTION 2. BE IT FURTHER ENACTED that the suspension of the validity period for a  
17 given application shall only be applied if the application was in an active, current validity period  
18 as of January 1, 2010. This suspension shall not be applied to any application whose validity  
19 period begins after the date of the adoption of this Act, nor is it intended to affect any other  
20 provisions contained in Section 24-119 related to the extension of preliminary plans.

21 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act shall be  
22 abrogated and be of no further force and effect after December 31, 2011.

23 SECTION 4. BE IT FURTHER ENACTED that that this Act shall take effect on the date it  
24 becomes law.

Adopted this 13<sup>th</sup> day of July, 2010.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Jack B. Johnson  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.