

## Prince George's County Council

### Agenda Item Summary

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**Meeting Date:** 11/23/2004  
**Reference No.:** CB-094-2004  
**Draft No.:** 1  
**Proposer(s):** Harrington  
**Sponsor(s):** Harrington, Knotts, Dernoga, Dean, Exum, Bland  
**Item Title:** An Act requiring the submission of data concerning the presence of sub-surface water for proposed residential construction with a basement

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**Drafter:** Ralph E. Grutzmacher, Legislative Officer  
**Resource Personnel:** Kenneth C. Williams, Legislative Aide

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#### **LEGISLATIVE HISTORY:**

<b>Date Presented:</b>	9/28/2004	<b>Executive Action:</b>	12/8/2004 S
<b>Committee Referral:</b>	9/28/2004 - THE	<b>Effective Date:</b>	1/24/2005
<b>Committee Action:</b>	10/28/2004 - FAV		
<b>Date Introduced:</b>	11/1/2004		
<b>Public Hearing:</b>	11/23/2004 - 10:00 AM		
<b>Council Action (1)</b>	11/23/2004 - ENACTED		
<b>Council Votes:</b>	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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#### **AFFECTED CODE SECTIONS:**

04-276

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#### **COMMITTEE REPORTS:**

##### **TRANSPORTATION, HOUSING & THE ENVIRONMENT COMMITTEE**

**Date 10/28/2004**

Committee Vote: Favorable, 4-0 (In favor: Council Members Harrington, Peters, Dean and Hendershot).

Staff summarized the purpose of the legislation and referral comments that were received. CB-94-2004 requires the submission of data concerning the presence of sub-surface water for proposed residential construction with a basement. For each proposed residential building lot on which a basement is proposed to be constructed, the hydrological characteristics of the lot to a depth of six feet below the finished floor level of the basement and the depth of the closest aquifer to the proposed final grade of the basement is required.

The Maryland-National Capital Building Industry Association provided written comments expressing concerns with the legislation. The Building Industry believes that the requirement being proposed, which will mandate such a study for every new home with a basement, is unwarranted and costly. The Building Industry has agreed to work with the Department of Environmental Resources to continue to comprehensively address corrective remedies regarding flooding.

The Office of Law finds it to be in proper legislative form. The Office of Audits and Investigations determined that there should not be a negative fiscal impact on the County as a result of enacting CB-94-2004.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation will require that site-specific information regarding the presence of sub-surface water be ascertained and submitted for each lot upon which a basement is to be constructed. This information will be used to engineer appropriate solutions to deal with sub-surface water conditions and to provide notice to the initial purchaser of the extent of sub-surface water conditions.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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