



Prince George's County Council

Wayne K. Curry
Administration Building
1301 McCormick Dr
Largo, MD 20774

Meeting Agenda - Final General Assembly Committee

Calvin S. Hawkins, II, Chair

Wanika Fisher, Vice Chair

Edward P. Burroughs

Sydney J. Harrison

Krystal Oriadha

Staff Support:

Marverly Nettles-Simpson – Committee Director

Ellis Watson – Legislative Officer

Edwin Brown, Jr. – Administrative Aide

Tuesday, February 6, 2024

9:00 AM

Committee Room 2027

**In the event of inclement weather that results in County building closures or delays,
this meeting may be held virtually.**

VIEW OR JOIN USING THE LINK PROVIDED AT: <https://pgccouncil.us/LIVE>

ORDER OF PROCEEDINGS

- a) Presentation by Committee Staff
(Including comments received by the Committee)*
- b) Comments from Sponsor*
- c) Questions from Committee Members*
- d) Comments from Agencies*
- e) General Discussion*
- f) Motion and Vote*

CALL TO ORDER

PRESENTATION / BRIEFING

- Governor's Housing Package Update on SB 484/HB538 – Domonic Butchko, MACo
- Analysis of Local Impact of FY 2025 State Budget – Nick Copper, Copper Consolidated Inc
- 2024 Legislative Priorities Letter for Prince George's County Council

LOCAL BILLS

PG/MC - 105 - 24 Prince George's County – Qualifying Municipal Corporation – Land Use

STATEWIDE

HB 170/SB 79 State Finance - Prohibited Appropriations - Magnetic Levitation
Transportation System

SB 36/HB 565 Maryland Deaths in Custody Oversight Board

HB 389 State Highways - Sidewalks and Bicycle Pathways - Maintenance and Repair

HB 282 Speed Monitoring Systems - Agencies - Statements and Certificates of Violations

SB 484/ HB 538 Land Use – Affordable Housing – Zoning Density and Permitting (Housing
Expansion and Affordability Act of 2024)

MACo UPDATES

GENERAL ASSEMBLY UPDATES

ADJOURN

FY 2025 Budget – Prince George's

Nick Copper, Esq.

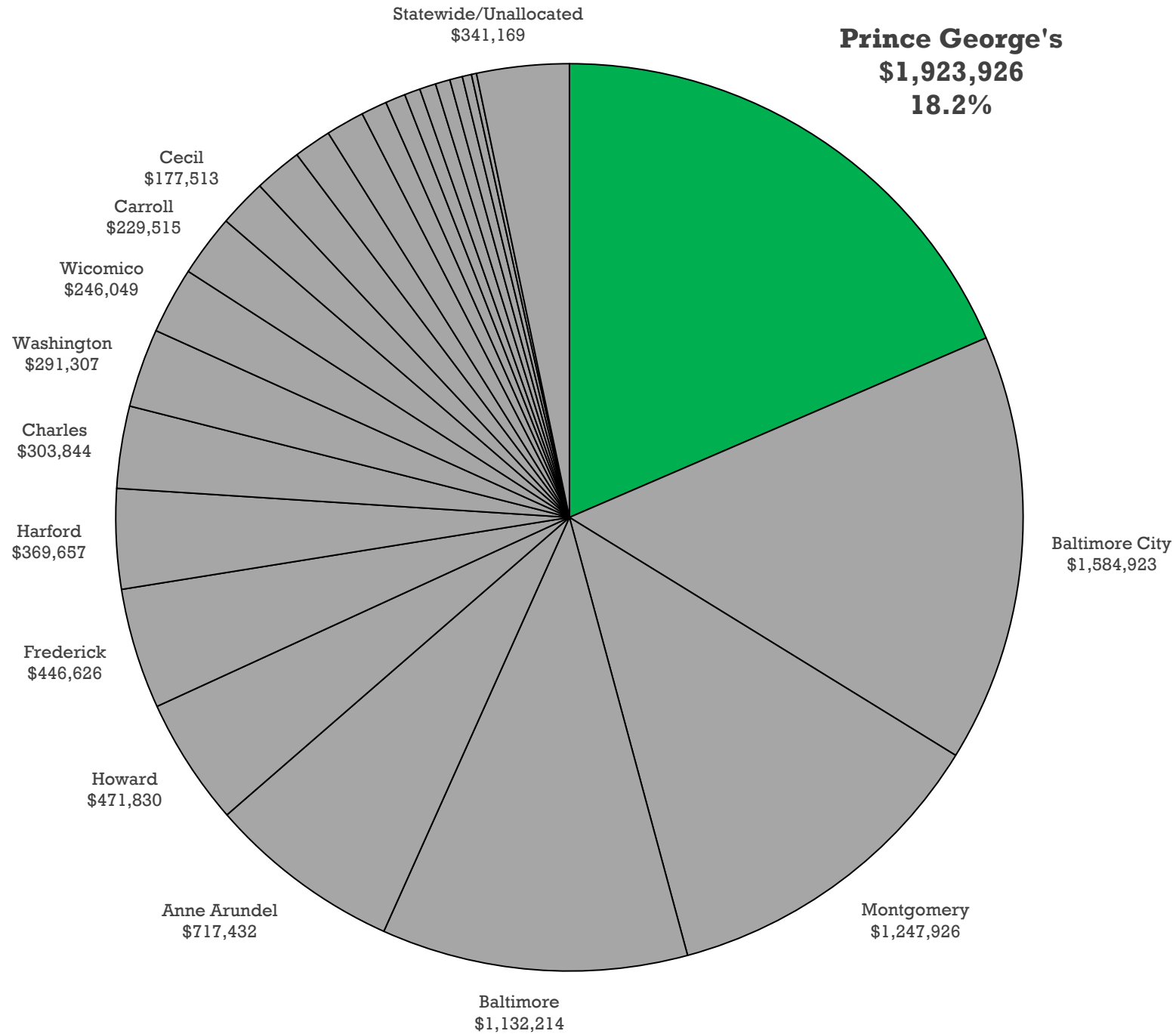
Lobbyist

Copper Consolidated Enterprises, LLC

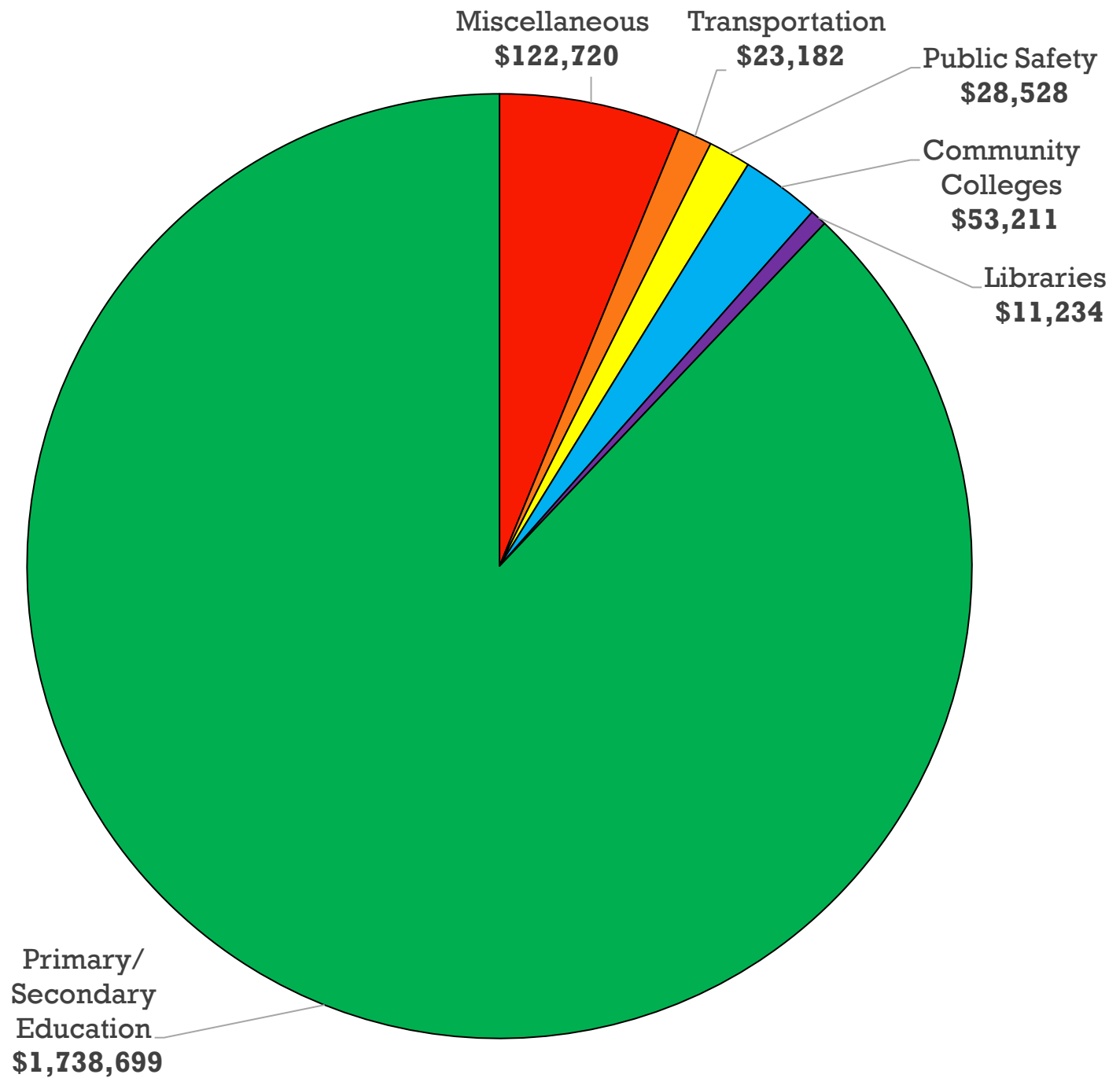
LOCAL AID

**Based on data from the
Department of Budget and Management
January 2024**

Prince George's Share of Local Aid (Thousands)



Breakdown of
Local Aid by
Category
(Thousands)

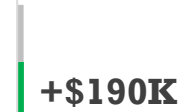


Year-over-Year Change by Category

Primary/
Secondary Education



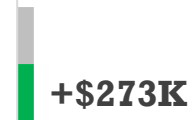
Libraries



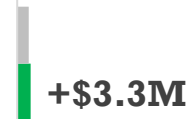
Community Colleges



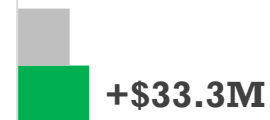
Public Safety



Transportation

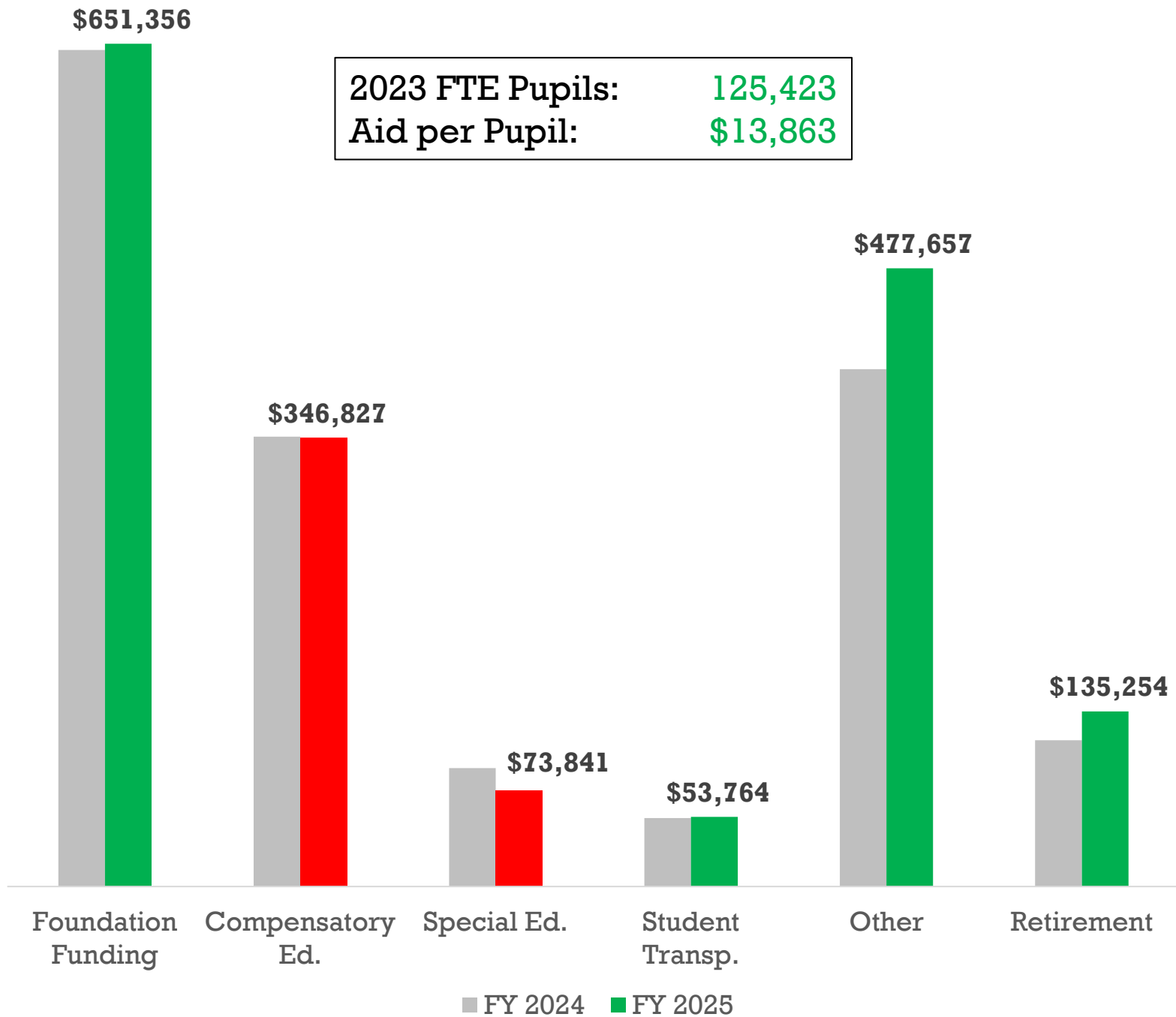


Miscellaneous

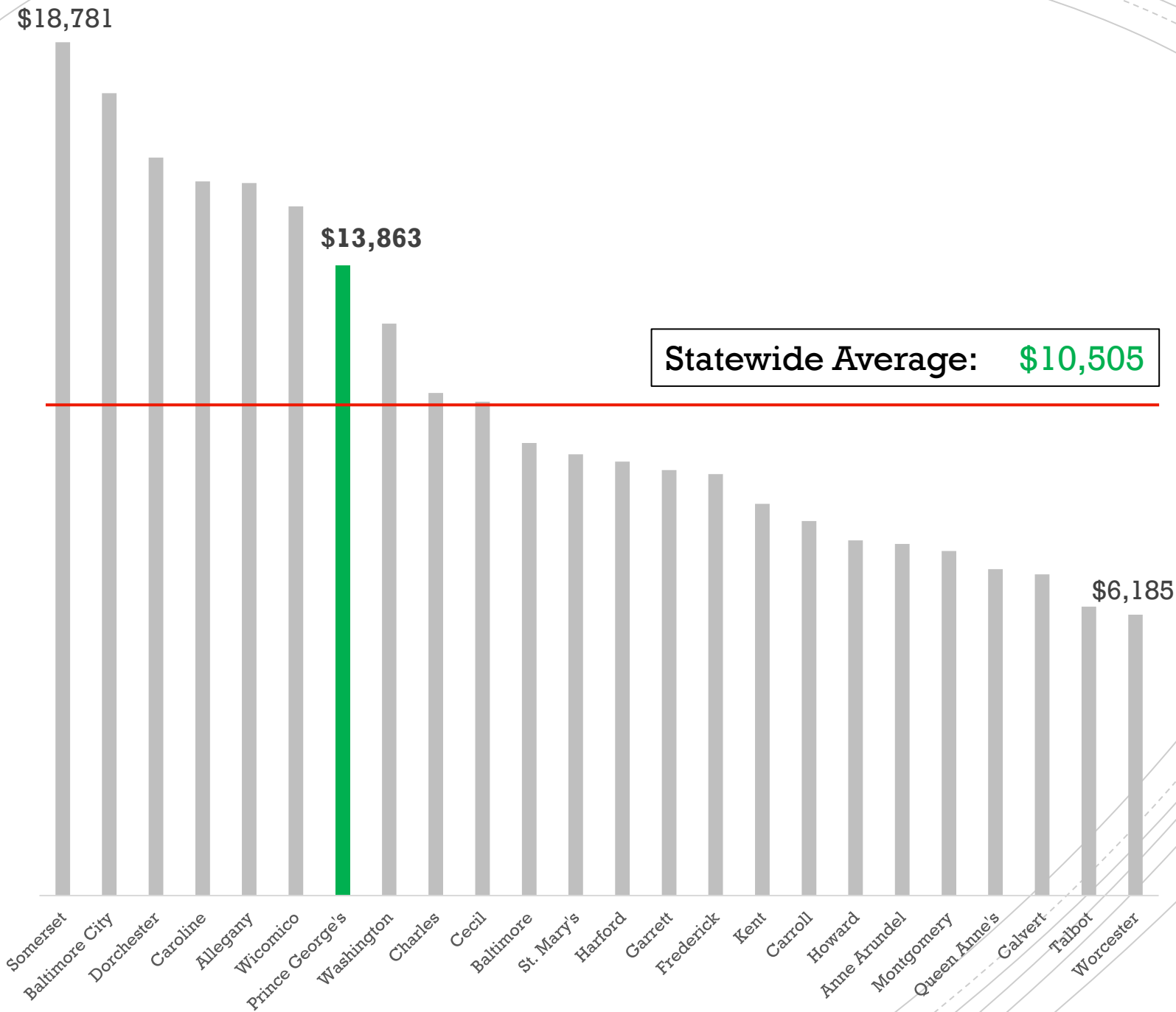


■ FY 2024 ■ FY 2025

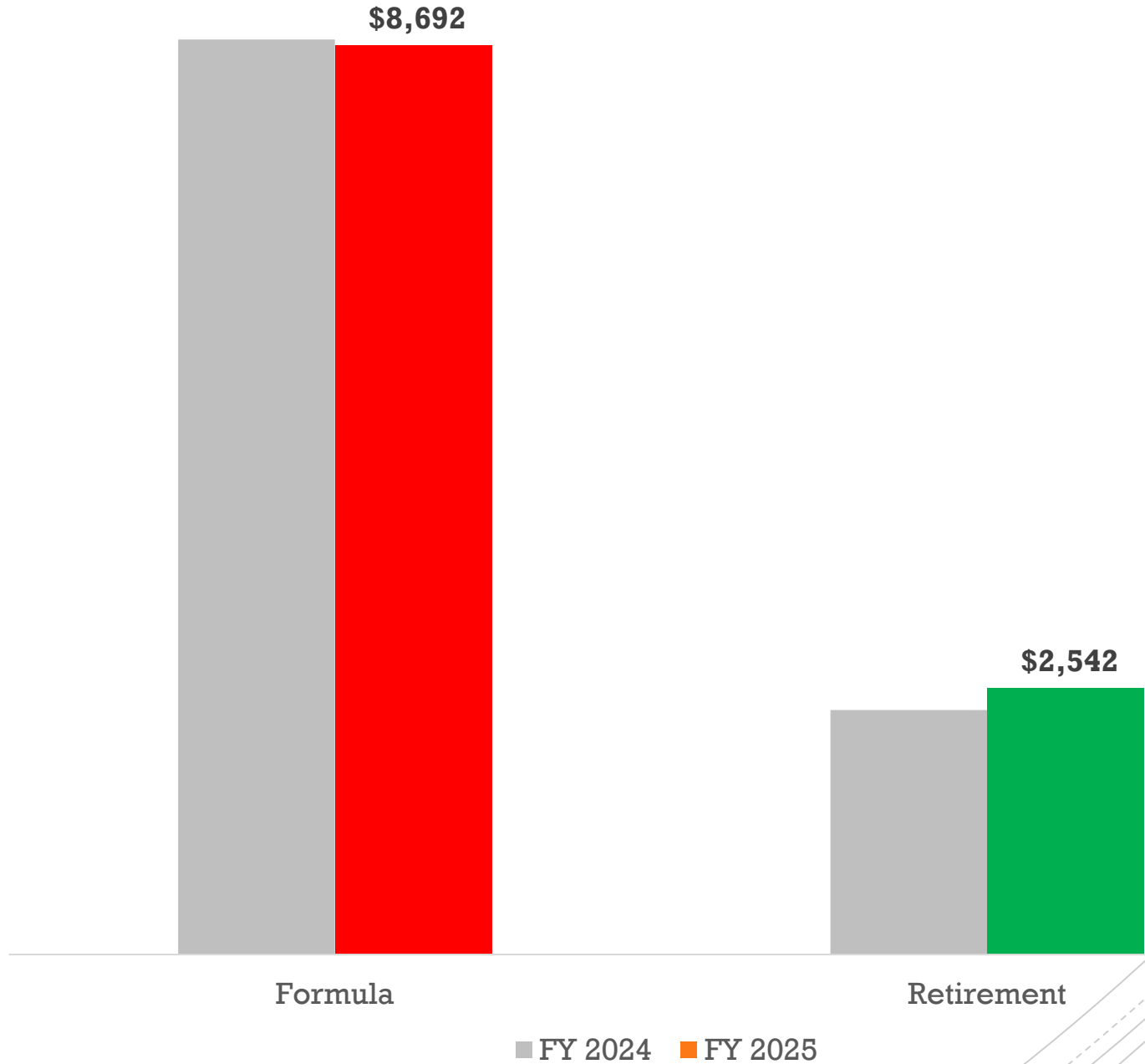
Primary/
Secondary
Education
(Thousands)



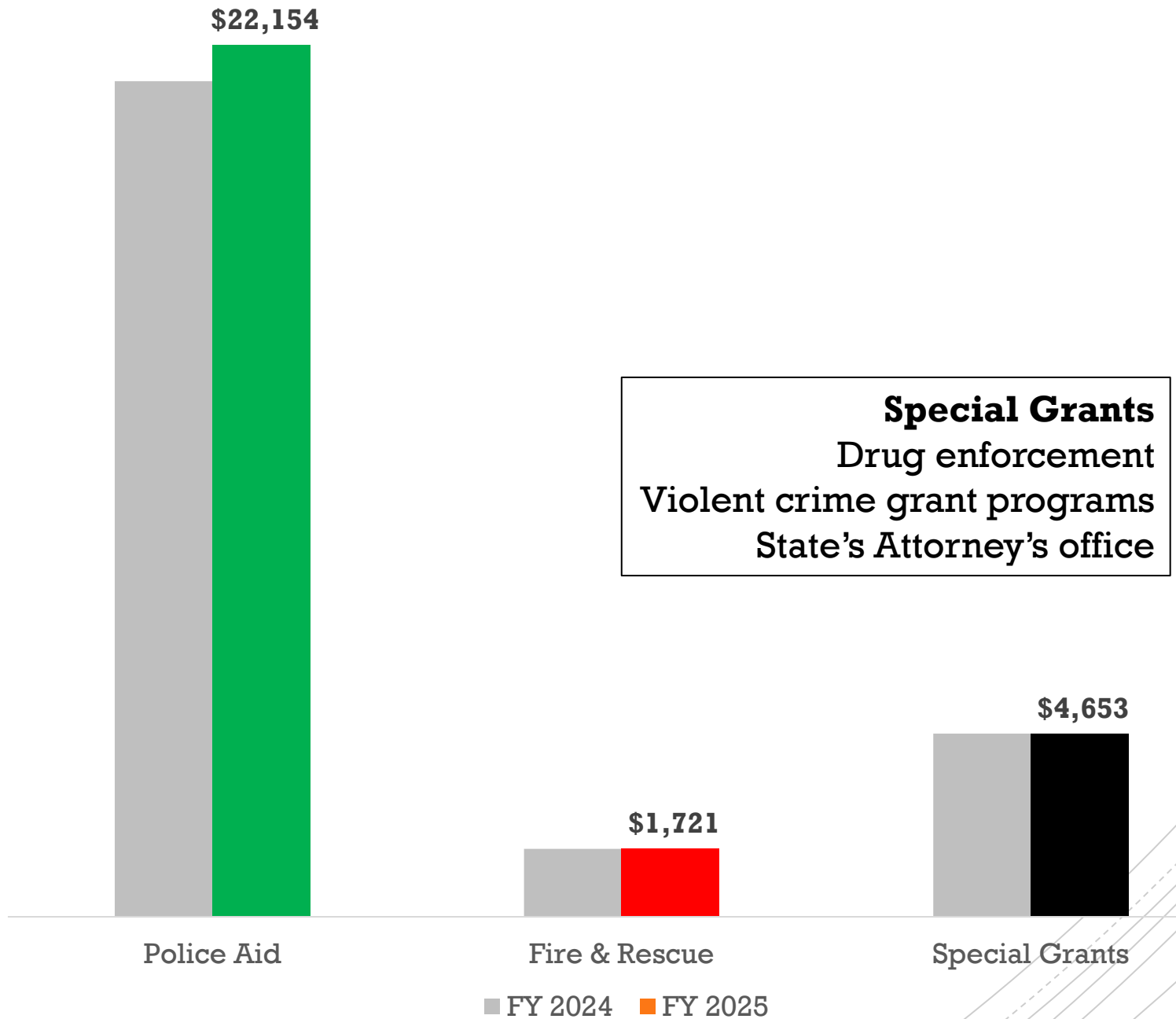
Per Pupil Aid by Jurisdiction



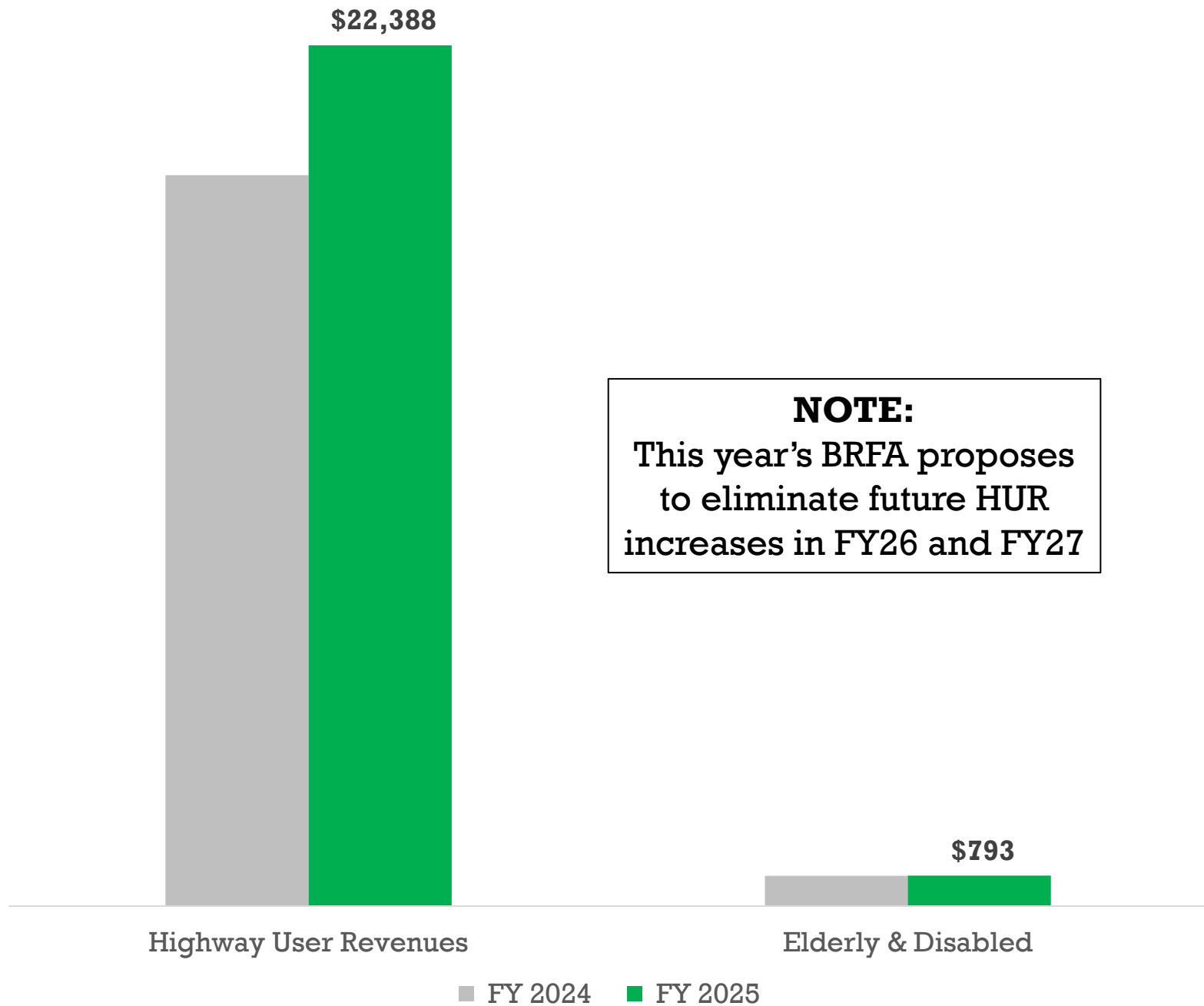
Libraries
(Thousands)



Public Safety (Thousands)



Transportation (Thousands)

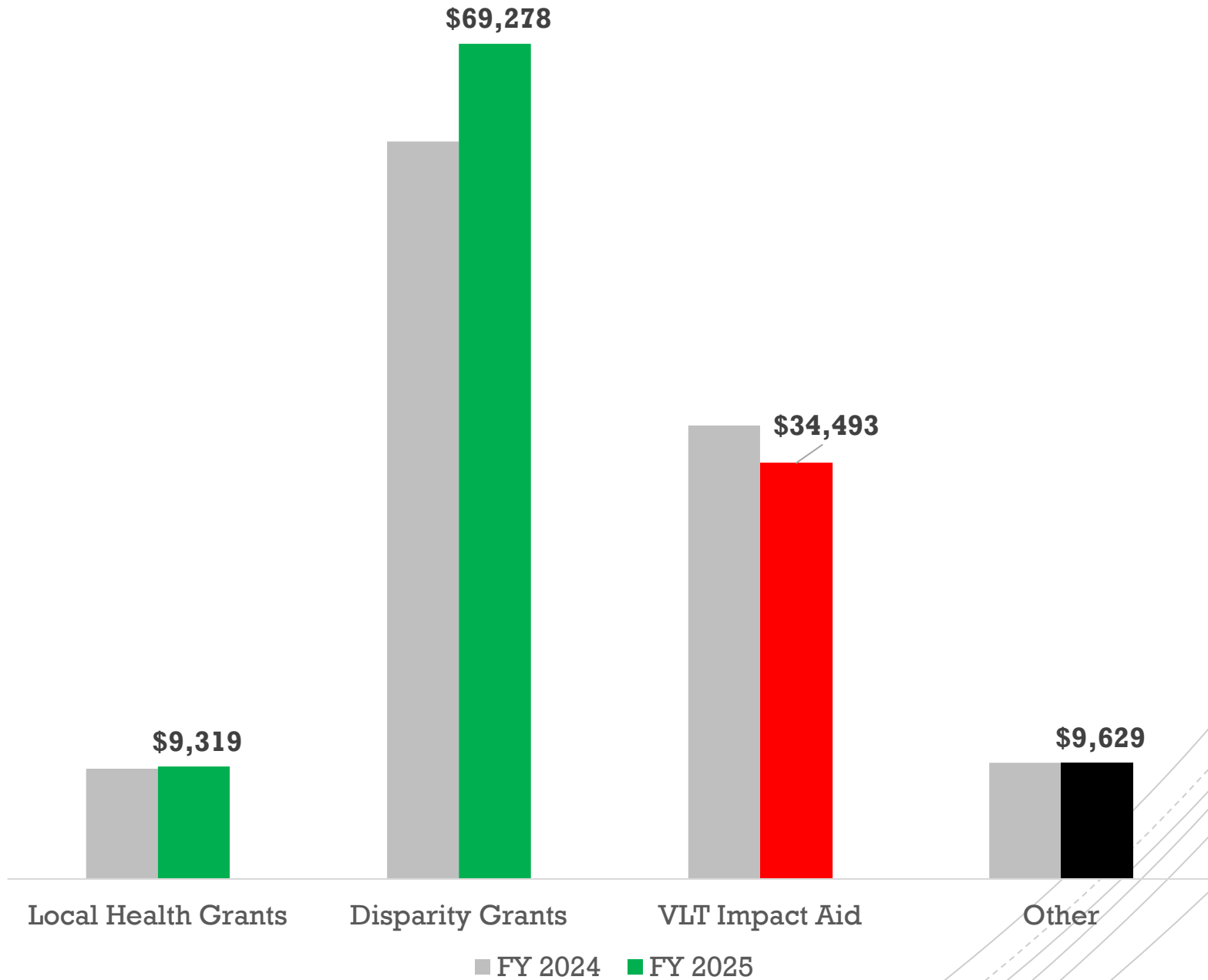


Highway User Revenues Breakdown

Source: *MDOT Proposed HUR
Adjustment Summary (2023)*

Prince George's County	\$10,403,521
Berwyn Heights	\$211,567
Bladensburg	\$326,772
Bowie	\$3,756,270
Brentwood	\$154,250
Capitol Heights	\$176,926
Cheverly	\$344,914
College Park	\$922,992
Colmar Manor	\$82,019
Cottage City	\$61,387
District Heights	\$381,959
Eagle Harbor	\$26,550
Edmonston	\$124,257
Fairmount Heights	\$96,010
Forest Heights	\$153,797
Glenarden	\$290,311
Greenbelt	\$806,910
Hyattsville	\$765,343
Landover Hills	\$106,808
Laurel	\$1,388,580
Morningside	\$83,507
Mount Rainier	\$314,631
New Carrollton	\$573,956
North Brentwood	\$36,733
Riverdale	\$323,629
Seat Pleasant	\$185,544
Takoma Park P.G.	\$0
University Park	\$175,470
Upper Marlboro	\$45,664
Total Municipalities	\$11,916,755
Total County & Municipalities	\$22,320,275

Miscellaneous
(Thousands)

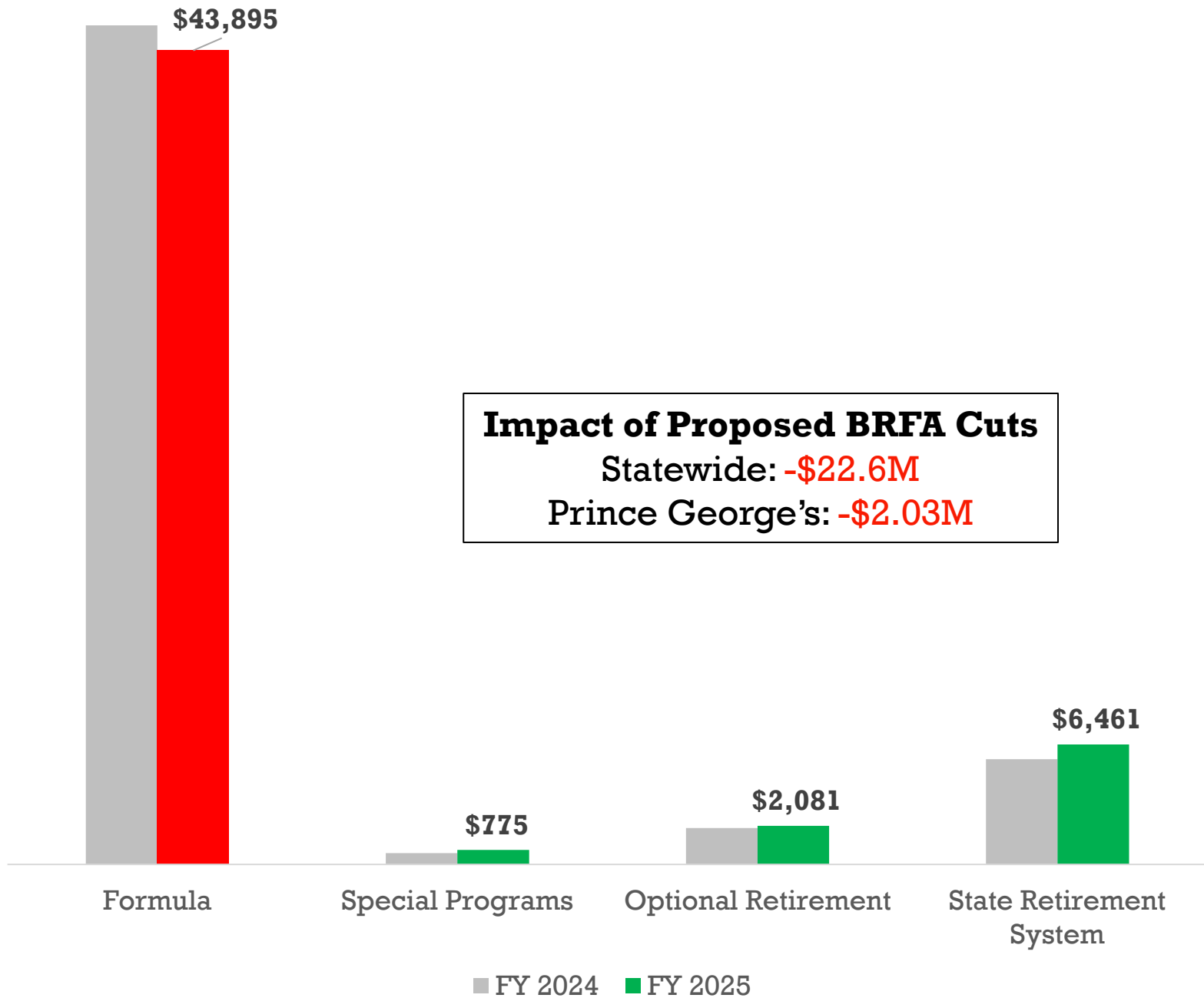


Community College BRFA Provisions

- Reduces the statutory funding level from **29%** to **26.5%** of the per-FTE amount at the State's four-year public universities
- Changes the formula to require using the greater of two potential FTE figures in funding calculations
- Eliminates the hold-harmless provision, allowing for funding to decrease year over year
- Eliminates the fixed component of the statutory funding amount with a 100% marginal cost based on enrollment

NOTE: These would be permanent changes—
not just for FY 2025

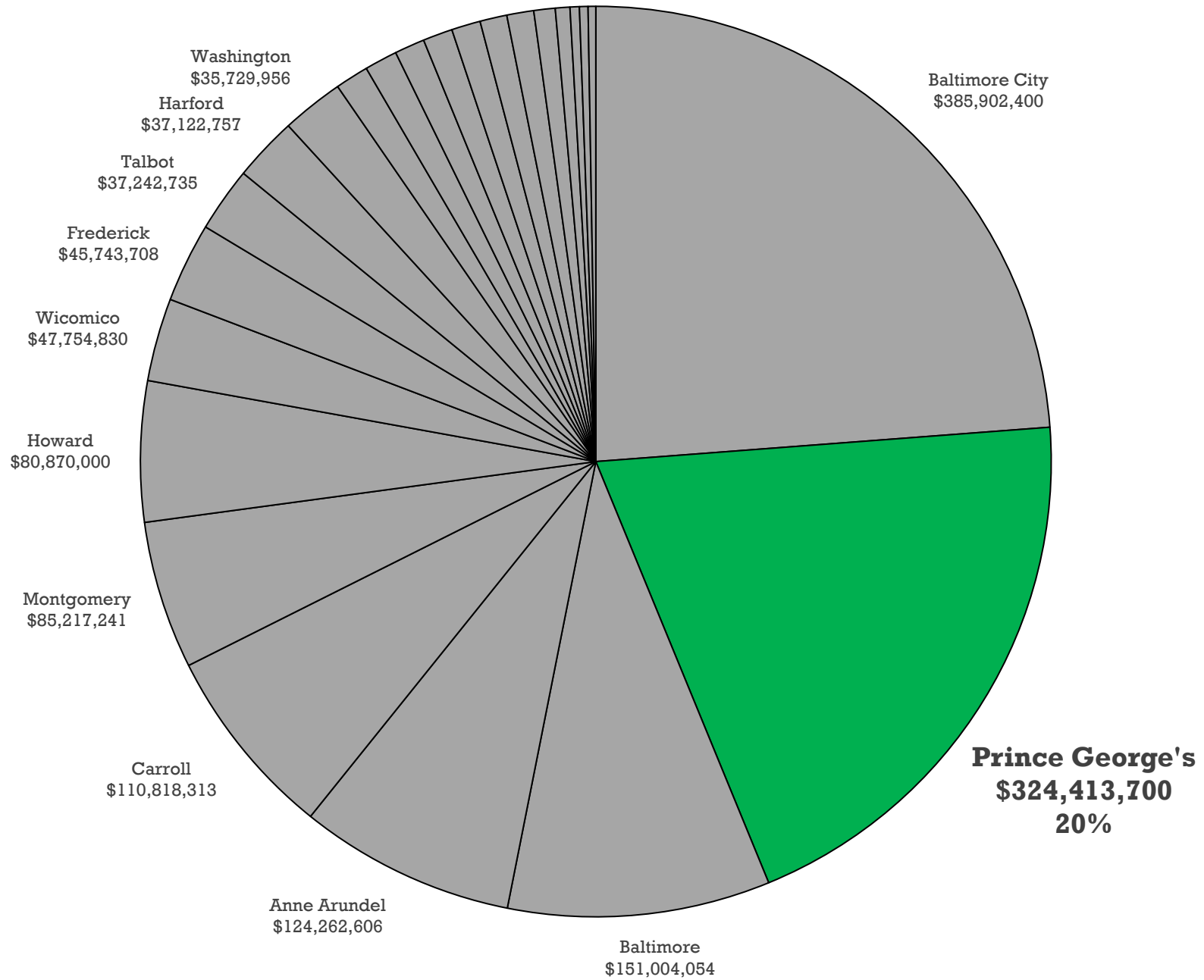
Community Colleges (Thousands)



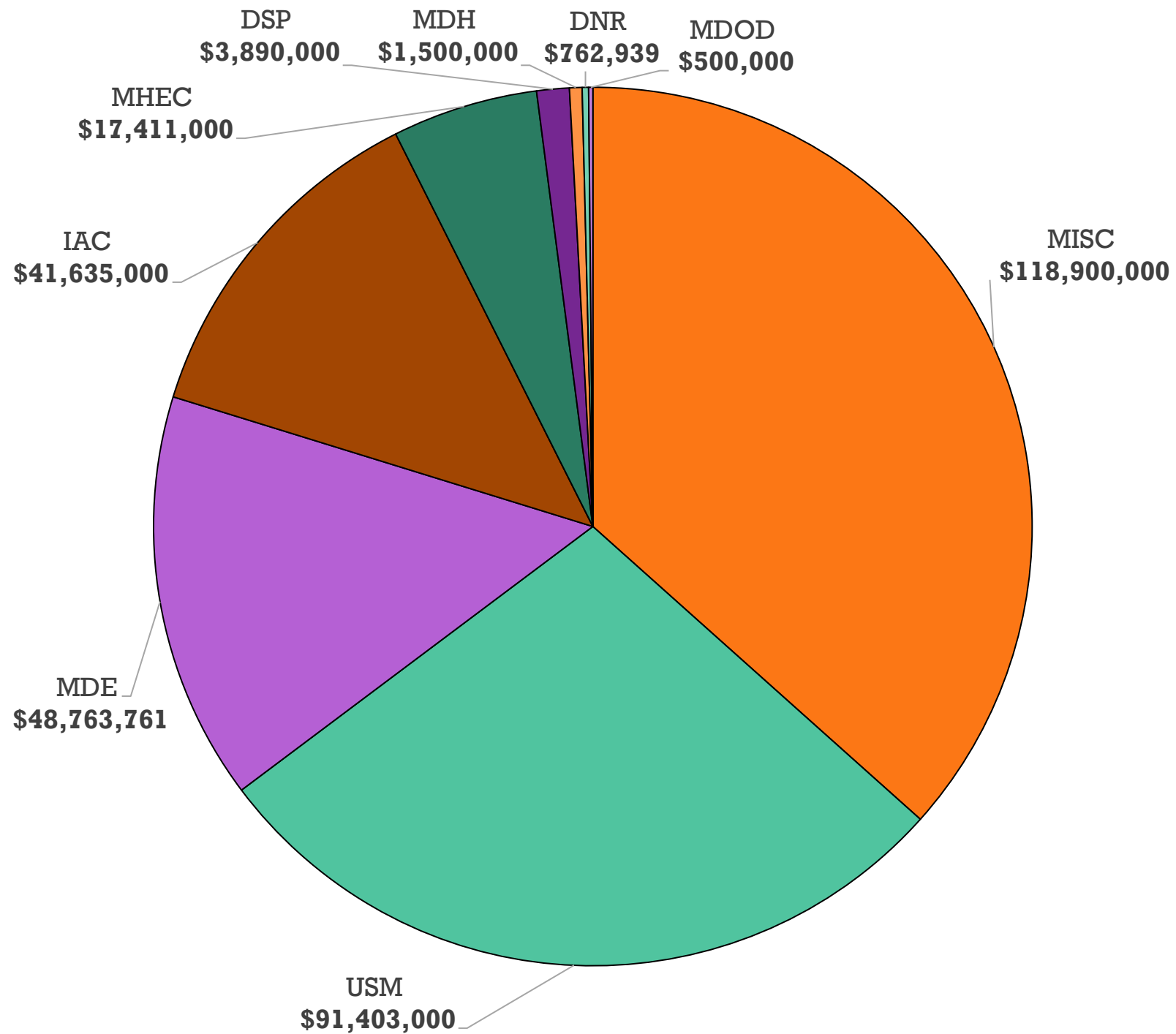
Capital Budget

**Based on data from the
Department of Budget and Management
January 2024**

Prince George's Share of Capital Budget



Prince George's Capital Projects by Agency



A red graphic consisting of two stacked rectangles. The top rectangle is solid red. The bottom rectangle is also red but contains white text. A small red triangle points downwards from the bottom center of the bottom rectangle.

University System of Maryland Projects

- University of Maryland, College Park
 - **\$64.9M** for the new interdisciplinary engineering building (Zupnik Hall)
 - **\$12.5M** for campuswide building systems and infrastructure improvements
 - **\$5M** for graduate student housing site development
- Bowie State University
 - **\$9M** for a new communication arts and humanities building

The background features a series of thin, curved lines in light gray and white, creating a sense of motion and depth. A large red speech bubble is positioned on the left side of the slide.

Environmental Projects

- **\$23.5M** for the Piscataway Water Resource Recovery Facility Bio-Energy Project
- **\$8.6M** for the Village in the Woods Water Main Replacement
- **\$5.8M** for the Newburg Drive Water Main Replacement
- **\$5.6M** for an upgrade to the Cheltenham Boy's Village Youth Facility wastewater treatment plant
- **\$5.3M** for the Karla Lane Water Main Replacement

The background of the slide features several thin, curved lines in a light gray color, some solid and some dashed, creating a modern, architectural feel. A large red speech bubble is positioned on the left side, containing the title text.

School Construction Projects

- **\$25.7M** for a new Cool Spring Elementary School and regional pool
- **\$11.4M** to replace the Northern Adelphi Area High School
- **\$4.6M** to replace Suitland High School

The background features a series of light gray, concentric curved lines that sweep across the top and bottom of the slide, creating a sense of motion and design.

Department of Natural Resources Projects

- **\$230K** for the revitalization of Mahoney Woods (New Carrollton)
- **\$214.7K** for playground improvements at Boyd Park (Cheverly)
- **\$200K** for the revitalization of Oak Lane Park (New Carrollton)
- **\$90.4K** for playground improvements at College Hills Park
- **\$27.8K** for a new swing set at College Hills Park

Other Agency Projects

- **\$17.4M** for the renovation of and addition to Marlboro Hall at Prince George's Community College (MHEC)
- **\$3.9M** for a new barrack and garage at Forestville State Police Barrack L (DSP)
- **\$1M** for the renovation and expansion of Community Clinic Health and Wellness Services, Inc. (MDH)
- **\$500K** for a new clinic facility at Greater Baden Medical Services, Inc. (MDH)
- **\$148K** for bathroom accessibility renovations at UMCP (MDOD)

Miscellaneous Projects

- **\$100M** for the FBI headquarters relocation project
- **\$10M** for a new obstetrical care tower at Luminis Health Doctors Community Medical Center
- **\$5M** for a new Fort Washington facility at Adventist Health
- **\$2.5M** for the film studio and soundstage renovation project along the Blue Line Corridor
- **\$1.4M** for the emergency department modernization project at Luminis Health Doctors Community Medical Center

NOTE:

Prince George's County will likely see additional capital funding when Legislative Bond Initiatives are selected later this session.

Transportation Projects


**Based on data from the
Maryland Department of Transportation
January 2024**

INCREASED!

Transportation

MAJOR
CHANGES—
MTA

MARYLAND TRANSIT ADMINISTRATION – Line 42



STATE GOALS: Maryland Transportation Plan (MTP) Goals/Selection Criteria:

<input type="checkbox"/> Enhance Safety and Security	<input checked="" type="checkbox"/> Serve Communities and Support the Economy
<input checked="" type="checkbox"/> Deliver System Quality	<input checked="" type="checkbox"/> Promote Environmental Stewardship

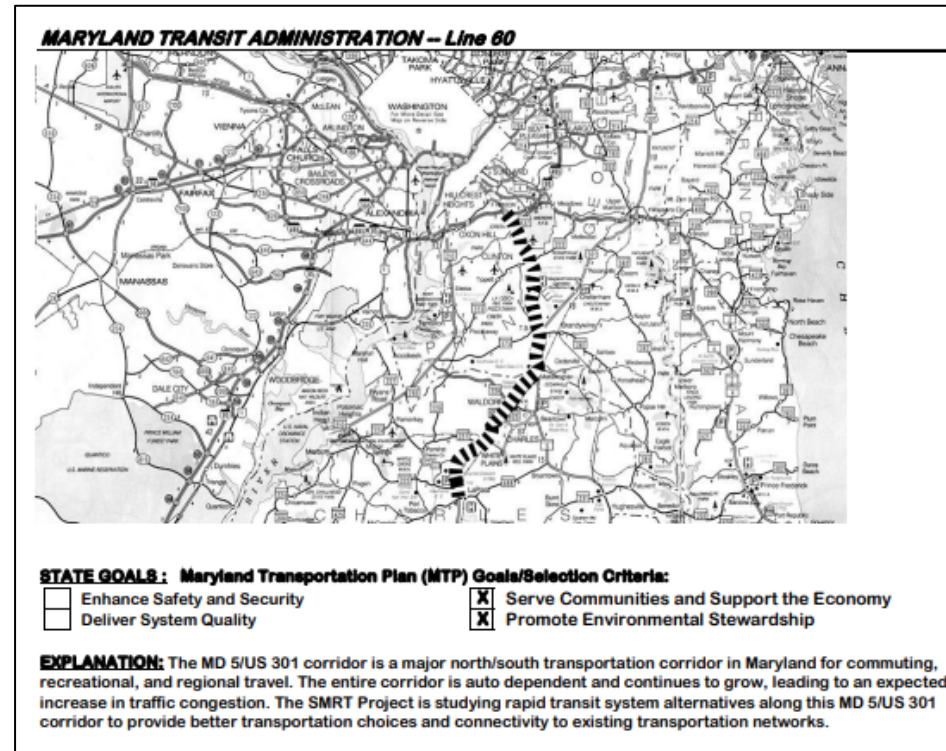
EXPLANATION: The Purple Line will serve a corridor that currently lacks rail transit service and includes important commercial, institutional, and residential communities. Electrically powered trains will reduce air pollution and greenhouse gas emissions associated with cars and buses. Transit travel times in corridor will be reduced.

Purple Line project receiving \$449M in additional funding to fund the full-scale construction of the project and the addition of FY availability payment

INCREASED!

Transportation

MAJOR
CHANGES —
MTA

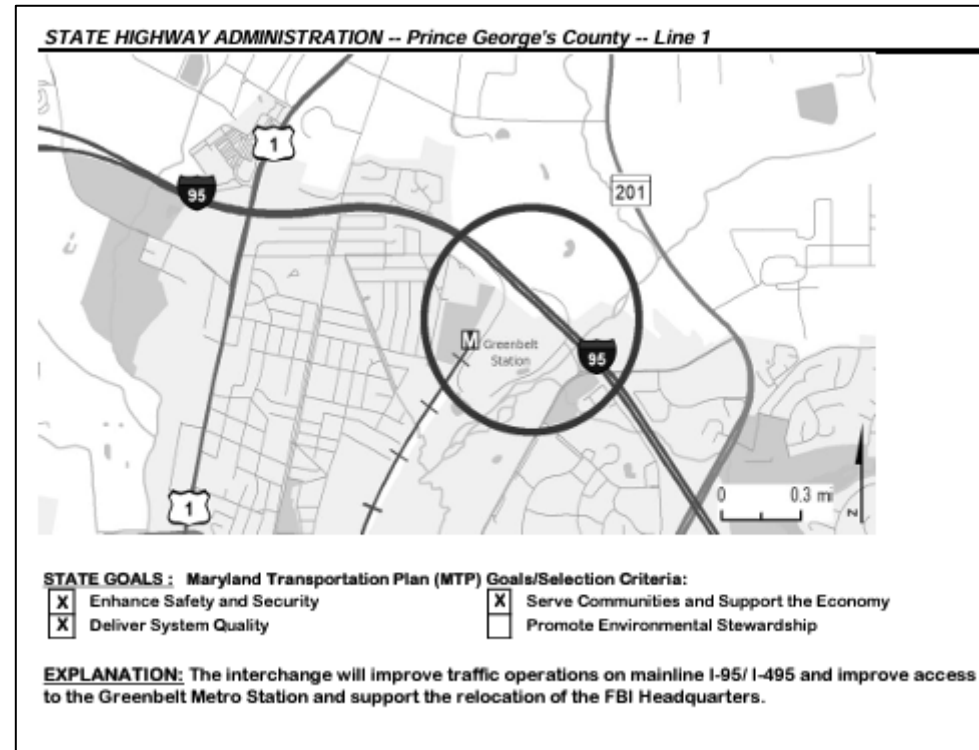


Southern Maryland Rapid Transit Project receiving
\$10M in additional funding to support planning
efforts stemming from the recently conducted study

ADDED!

Transportation

MAJOR
CHANGES —
SHA

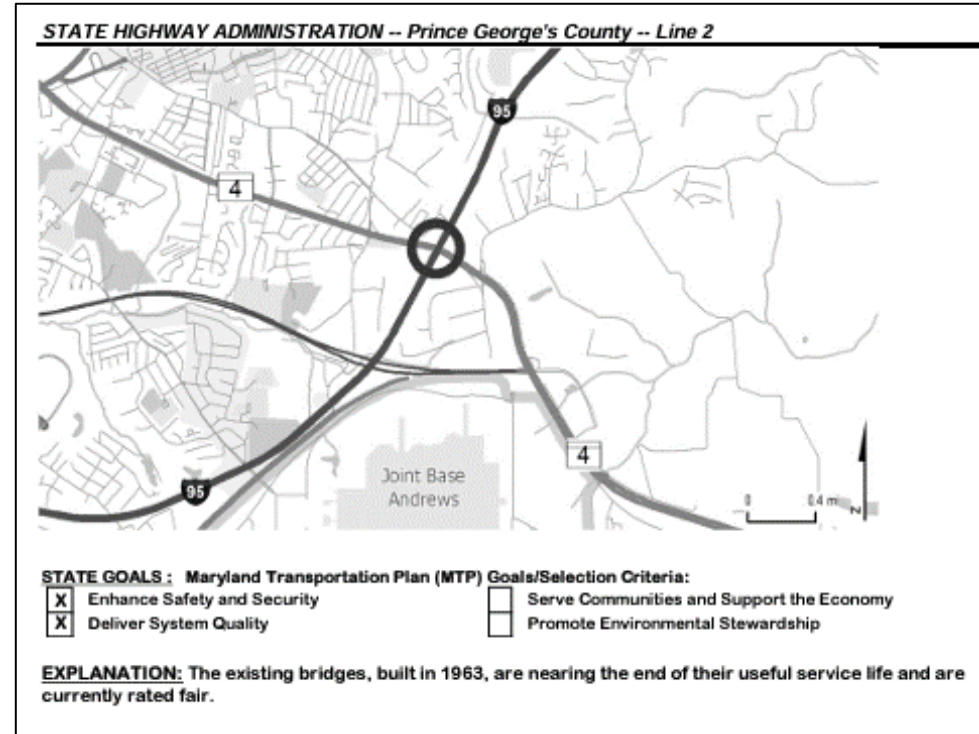


\$264M project to construct an interchange at I-95/I-495 near the Greenbelt Metro Station included in anticipation of the FBI headquarters relocation project (**\$31.5M** in FY25)

INCREASED!

Transportation

MAJOR
CHANGES —
SHA

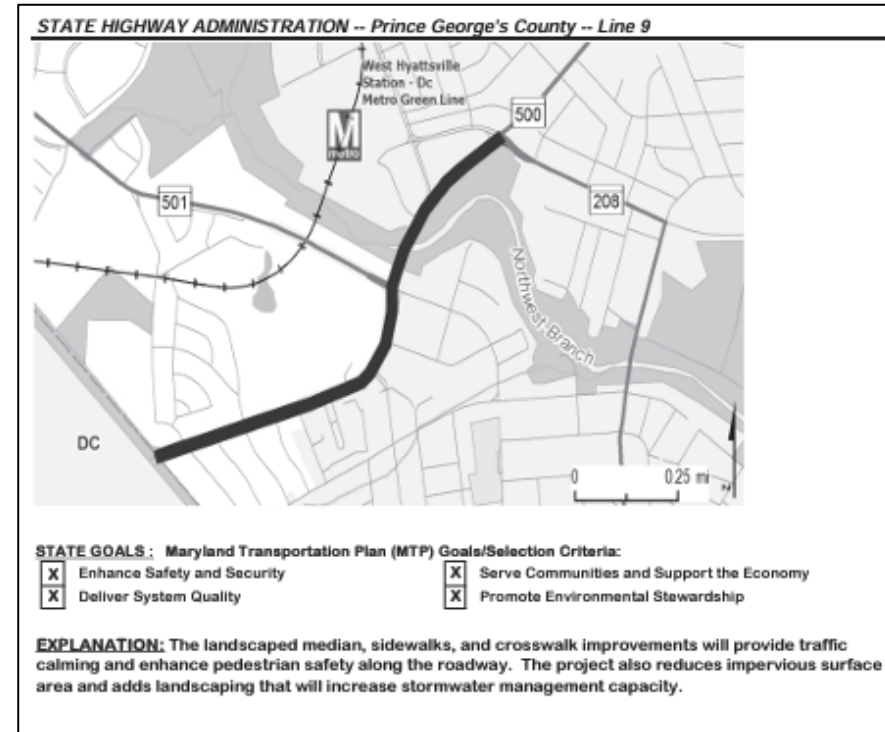


Project to replace the I-95/I-495 bridge over MD 4 receiving **\$2.8M** in additional funding due to higher than anticipated engineering costs

INCREASED!

Transportation

MAJOR
CHANGES —
SHA

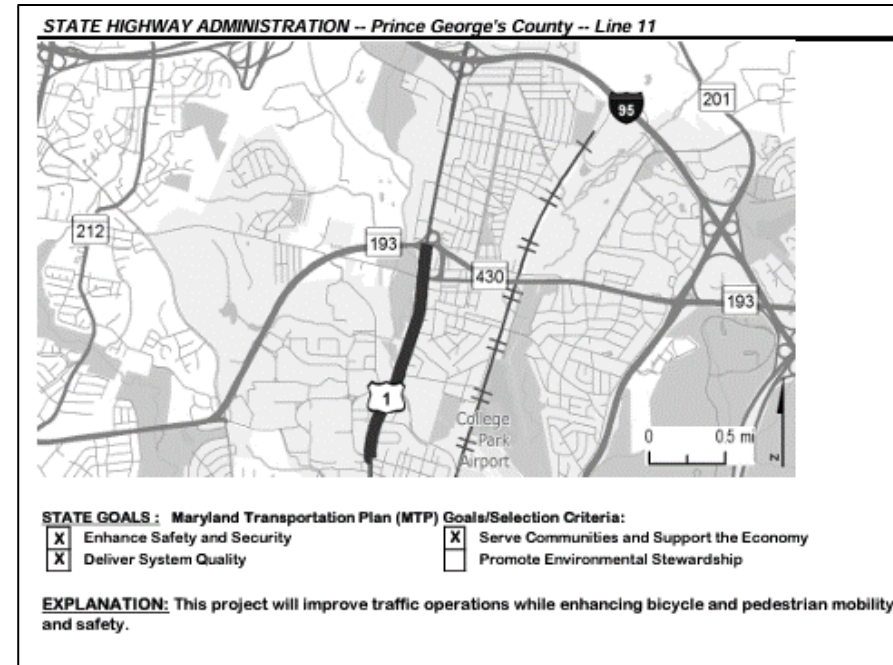


Project to construct a landscaped median and make sidewalk/crosswalk improvements from MD 208 to Eastern Avenue receiving **\$4.3M** in additional funding due to a number of issues

INCREASED!

Transportation

MAJOR
CHANGES —
SHA

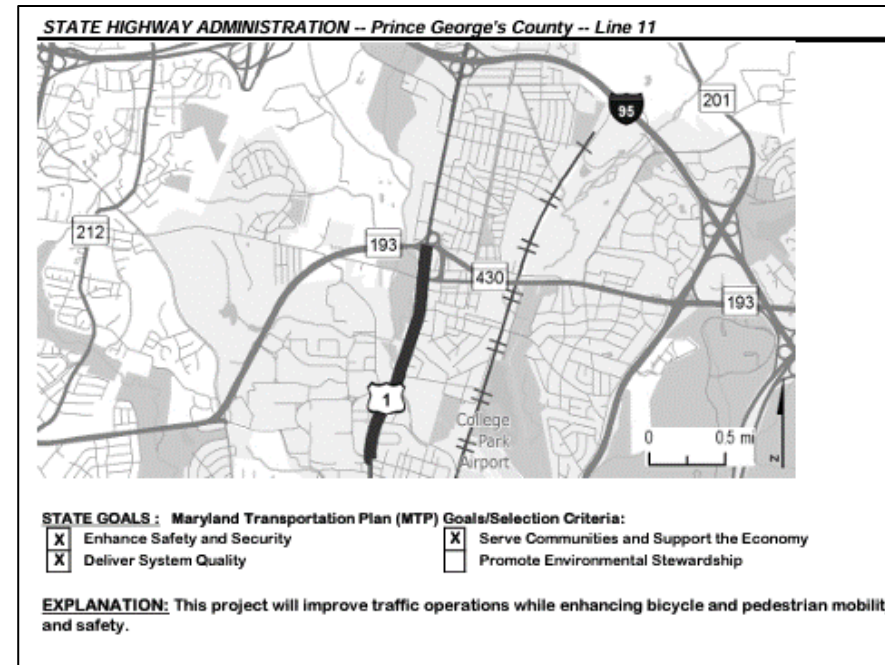


Project to reconstruct US 1 from College Avenue to MD 193 receiving **\$2.9M** in additional funding due to right-of-way costs and drainage improvements

REDUCED

Transportation

MAJOR
CHANGES —
SHA



Project to upgrade the I-95/I-495 interchange at Medical Center Drive loses **\$89.5M** as part of the Department's efforts to address the long-term CTP funding deficit

A large red speech bubble graphic with a pointed bottom, containing the word "QUESTIONS?".

QUESTIONS?

nick@copperconsolidated.com

Modernize Local Civil Fines Structure – Increasing civil fines in Maryland would enable local governments to structure penalties high enough to deter violators. With the legislator's support of HB 501/SB 522, local governments could fine property owners with dilapidated housing, homeowners who conduct illegal “for profit” house parties, and violators who illegally dump boats and other large items on our streets. Since 2013, Counties have been unable to issue civil fines more than \$1,000. This amount no longer is sufficient to be a deterrent. We urge legislators to support HB 501/SB 522, which will increase civil penalties and allow Counties and their Municipalities to discourage bad actors.

Kirwan Funding – To achieve adequate and equitable funding for the County’s school system, we are encouraged that the FY 2025 budget fully funded Blueprint for Maryland’s Future programs. To support this increase, the County has been asked to increase education funding by about \$(___verifying) million due to the *Blueprint* changes. We fully support Kirwan's core tenets, including early childhood education, college readiness, diverse high-quality teachers, and more student resources. However, State-mandated funding requirements burden our County’s budget during this tight budget cycle. Removing mandated funding requirements for local governments will enable them to spend monies on other underfunded local initiatives.

Expediting the Relocation of FBI Headquarters to Prince George’s County – The County supports any measures that pressure Federal officials to expedite the FBI relocation to Greenbelt. Since the General Services Administration selected Greenbelt as the future home of the FBI, Virginia lawmakers have successfully pressured federal officials to investigate the selection process. As FBI officials continue to remain in a decayed D.C. headquarters, it becomes a threat to America’s national security. Prince George’s County needs the State’s support to send letters to federal officials that support relocating the FBI to Greenbelt.

Other Transportation Priorities – Prince George’s County continues to advance priorities for a comprehensive transportation network that will strengthen the State. The County supports projects that further safe system transportation approaches like Vision Zero Prince George’s, the Purple Line development, and Zero Emission Fleet. This year, Prince George’s County will launch the Prince George’s County Transit Transformation. This new approach will focus on transit performance, reliability, and safety. For this new bus program to succeed, we will need active coordination and partnership from the State. More funding is necessary for the Locally Operated Transit System (LOTS) programmed for Prince George’s County. The County has leveraged federal earmarks and a \$25 million low-no emissions grant to rehabilitate the existing facility, initiate a study for a new facility, and continue the transition to zero-emission buses. Enhanced funding is critical to meet existing needs and enable future growth while addressing new efficiencies, technologies, and climate change. Any reduction to LOTS funding could hinder the County’s sustainable initiatives.

Blue Line Corridor – The County appreciates the appropriation of State funding towards improvements in local infrastructure. The Blue Line Corridor is integral for Prince George’s County to develop homes, generate retail spaces, and offices along existing *Metro* stations. These efforts will attract commercial businesses and reduce Prince George’s County's environmental

footprint. Continuing to fund *Blue Line Corridor* investment will decrease congestion from D.C. to Prince George's County Maryland. Still, ensuring a smooth and efficient system for delivery of the Central Ave (MD 214) Complete Streets and creating bike lanes and walking paths are critical infrastructure improvements that need State support. *Building* on previous State investments along this corridor will enhance our ability to maximize access from Central Ave to the capitol region.

Speed Monitoring Systems on Maryland Route 210 – Bad actors have not been deterred from driving at dangerous speeds on Route 210 (Indian Head Highway). This bill increases civil penalties for violations recorded by speed monitoring systems on Maryland Route 210 in Prince George's County that are second or subsequent violations or that involve exceeding the maximum speed limit by certain amounts. Currently, unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the driver of a motor vehicle is subject to a civil penalty that may not exceed \$40 if a speed monitoring system records the motor vehicle. Clearly this fine must increase in order to get the attention of irresponsible drivers.

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Smith
Typed by: Fran
Stored – 10/23/23
Proofread by _____
Checked by _____

By: **Prince George’s County Delegation and Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County – Qualifying Municipal Corporation – Land Use**

3 **PG/MC 105–24**

4 FOR the purpose of authorizing a governing body of a qualifying municipal corporation by
5 resolution to exercise the powers of the Prince George’s County Planning Board, the
6 zoning hearing examiner for Prince George’s County, or the District Council for
7 Prince George’s County to make specified land use decisions; subjecting the exercise
8 of those powers to the substantive and procedural requirements and standards
9 established in the Prince George’s County zoning law; providing for judicial review
10 of certain actions; and generally relating to land use in Prince George’s County.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 22–119
14 Annotated Code of Maryland
15 (2012 Volume and 2023 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Land Use
18 Section 25–101 and 25–301
19 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Volume and 2023 Supplement)

BY adding to

Article – Land Use

Section 25–304

Annotated Code of Maryland

(2012 Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Land Use

22–119.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection **AND § 25–304 OF THIS ARTICLE**, within the regional district, the zoning powers vested by Division I of this article in a municipal corporation or the council of a municipal corporation within the regional district shall be construed to be vested exclusively in the appropriate district council.

(2) A municipal corporation in Prince George’s County has concurrent jurisdiction with Prince George’s County to enforce zoning laws in the boundaries of the municipal corporation.

(3) The power to enforce zoning laws for the City of Takoma Park and the Town of Kensington is as provided in §§ 24–201 and 24–202 of this article, respectively.

(b) Before exercising the authority granted by this section, a municipal corporation in Prince George’s County shall enter into a written agreement with the district council concerning:

(1) the method by which the county will be advised of citations issued by a municipal inspector;

(2) the responsibility of the municipal corporation or the county to prosecute violations cited by the municipal corporation;

(3) the disposition of fines imposed for violations cited by the municipal corporation;

(4) the resolution of disagreements between the municipal corporation and the county about the interpretation of zoning laws; and

(5) any other matter that the district council considers necessary for the proper exercise of the authority granted by this section.

25–101.

This title applies only in Prince George’s County.

25–301.

(a) Except as otherwise provided in this section, the district council may provide that the governing body of a municipal corporation may exercise the powers of the district council as specified in this subtitle.

(b) When exercising authority delegated under subsection (c) or (d) of this section, the governing body of a municipal corporation:

(1) shall be subject to the substantive and procedural requirements and standards established by the district council; and

(2) may not impose:

(i) with respect to general delegation under subsection (c) of this section, a different requirement or standard than the requirements or standards that would apply if the district council had not delegated its authority to the municipal corporation; or

(ii) with respect to delegation in a revitalization overlay zone under subsection (d) of this section, a stricter requirement or standard than the requirements or standards that would apply if the district council had not delegated its authority to the municipal corporation.

(c) (1) This subsection applies to land in a municipal corporation in the regional district.

1 (2) The district council may delegate to the governing body of a municipal
2 corporation the powers of the district council regarding:

- 3 (i) design standards;
- 4 (ii) parking and loading standards;
- 5 (iii) sign design standards;
- 6 (iv) lot size variances and setback and similar requirements;
- 7 (v) landscaping requirements;
- 8 (vi) certification, revocation, and revision of nonconforming uses;
- 9 (vii) minor changes to approved special exceptions;
- 10 (viii) vacation of municipal rights-of-way; and
- 11 (ix) except as provided in paragraph (3) of this subsection, all
12 detailed site plans.

13 (3) The authority to delegate with regard to detailed site plans does not
14 apply to detailed site plans:

- 15 (i) for a zone that requires detailed site plan approval by the district
16 council;
- 17 (ii) that are required as a condition of approval of a zoning map
18 amendment or a preliminary plan of subdivision;
- 19 (iii) for which the approval of a conceptual site plan or a preliminary
20 plan of cluster subdivision is required; or
- 21 (iv) that are required for designated parcels as a specific condition of
22 a sectional map amendment.

(d) (1) This subsection applies to a revitalization overlay zone created by the district council.

(2) For any portion of a revitalization overlay zone in a municipal corporation, the district council may delegate to the governing body of a municipal corporation the powers of the district council regarding:

- (i) design standards;
- (ii) parking and loading standards;
- (iii) sign design standards;
- (iv) lot size variances and setback and similar requirements; and
- (v) landscaping requirements.

(3) The delegation of powers under paragraph (2) of this subsection may not impede a development that meets the requirements the district council sets for the revitalization overlay zone.

(4) For any portion of a revitalization overlay zone not within a municipal corporation, the district council may authorize the county planning board to approve:

- (i) departures from parking and loading standards;
- (ii) departures from design standards; and
- (iii) any variance from the zoning laws.

25-304.

(A) IN THIS SECTION, “QUALIFYING MUNICIPAL CORPORATION” MEANS A MUNICIPAL CORPORATION IN THE REGIONAL DISTRICT IN THE COUNTY THAT HAS A POPULATION OF AT LEAST 15,000 ACCORDING TO THE MOST RECENT UNITED STATES CENSUS.

(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A

1 GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION MAY BY
2 RESOLUTION EXERCISE THE POWERS OF THE COUNTY PLANNING BOARD, THE
3 ZONING HEARING EXAMINER FOR THE COUNTY, OR THE DISTRICT COUNCIL TO MAKE
4 LAND USE DECISIONS RELATING TO ANY LAND WITHIN THE CORPORATE LIMITS OF
5 THE MUNICIPAL CORPORATION.

6 (2) WHEN EXERCISING THE POWERS AUTHORIZED UNDER
7 PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNING BODY OF A QUALIFYING
8 MUNICIPAL CORPORATION SHALL BE SUBJECT TO THE SUBSTANTIVE AND
9 PROCEDURAL REQUIREMENTS AND STANDARDS ESTABLISHED IN THE COUNTY
10 ZONING LAW, INCLUDING THE REGULATIONS AND MAPS.

11 (3) THE POWERS GRANTED UNDER THIS SECTION DO NOT AUTHORIZE
12 A GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION TO:

13 (I) AMEND THE COUNTY ZONING LAW; OR

14 (II) ADOPT A MUNICIPAL ZONING LAW.

15 (4) WITHIN 30 DAYS AFTER THE DATE OF ADOPTION OF A
16 RESOLUTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNING BODY
17 OF A QUALIFYING MUNICIPAL CORPORATION SHALL SUBMIT A COPY OF THE
18 RESOLUTION TO THE DISTRICT COUNCIL.

19 (C) A PARTY OF RECORD TO AN ACTION OF A GOVERNING BODY OF A
20 QUALIFYING MUNICIPAL CORPORATION UNDER THIS SECTION MAY SEEK JUDICIAL
21 REVIEW OF THE FINAL DECISION OF THE GOVERNING BODY TO THE CIRCUIT COURT
22 FOR PRINCE GEORGE'S COUNTY.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2024.

HOUSE BILL 170

P1, R2

4lr0531

HB 106/23 – ENT & APP

(PRE-FILED)

By: **Delegate Williams**

Requested: August 16, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Finance – Prohibited Appropriations – Magnetic Levitation**
3 **Transportation System**

4 FOR the purpose of prohibiting the State and certain units and instrumentalities of the
5 State from using any appropriation for a magnetic levitation transportation system
6 in the State; providing that the prohibition does not apply to certain expenditures
7 for salaries; and generally relating to State appropriations for magnetic levitation
8 transportation systems.

9 BY adding to
10 Article – State Finance and Procurement
11 Section 7–240
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2023 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – State Finance and Procurement**

17 **7–240.**

18 **(A) NEITHER THE STATE NOR ANY UNIT OR INSTRUMENTALITY OF THE**
19 **STATE MAY USE ANY APPROPRIATION FOR A MAGNETIC LEVITATION**
20 **TRANSPORTATION SYSTEM LOCATED OR TO BE LOCATED IN THE STATE.**

21 **(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO EXPENDITURES**
22 **FOR THE SALARIES OF PERSONNEL ASSIGNED TO REVIEW PERMITS OR OTHER**
23 **FORMS OF APPROVAL FOR A MAGNETIC LEVITATION TRANSPORTATION SYSTEM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2024.

SENATE BILL 36

E5

4lr0924

(PRE-FILED)

By: **Senator Benson**

Requested: October 11, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Deaths in Custody Oversight Board**

3 FOR the purpose of establishing the Maryland Deaths in Custody Oversight Board within
4 the Governor's Office of Crime Prevention, Youth, and Victim Services to analyze
5 and make findings and recommendations related to deaths of incarcerated
6 individuals; requiring the Department of Public Safety and Correctional Services to
7 provide specific information to the Board; and generally relating to the Maryland
8 Deaths in Custody Oversight Board.

9 BY adding to

10 Article – State Government
11 Section 9–3801 through 9–3814 to be under the new subtitle “Subtitle 38. Maryland
12 Deaths in Custody Oversight Board”
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2023 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – State Government**

18 **SUBTITLE 38. MARYLAND DEATHS IN CUSTODY OVERSIGHT BOARD.**

19 **9–3801.**

20 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) "BOARD" MEANS THE MARYLAND DEATHS IN CUSTODY OVERSIGHT BOARD.

(C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

9-3802.

THERE IS A MARYLAND DEATHS IN CUSTODY OVERSIGHT BOARD IN THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

9-3803.

(A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) TWO CITIZENS WHO WERE PREVIOUSLY INCARCERATED;

(2) TWO FAMILY MEMBERS OF INDIVIDUALS INCARCERATED IN THE STATE;

(3) AT LEAST TWO REPRESENTATIVES FROM COMMUNITY ORGANIZATIONS THAT FOCUS ON JUSTICE REFORM;

(4) AT LEAST ONE LICENSED FORENSIC PATHOLOGIST;

(5) AT LEAST ONE LICENSED PSYCHIATRIST; AND

(6) ANY OTHER MEMBER DETERMINED AS NECESSARY BY THE EXECUTIVE DIRECTOR.

(B) THE EXECUTIVE DIRECTOR SHALL MAKE APPOINTMENTS TO THE BOARD AFTER SOLICITING FEEDBACK FROM THE PUBLIC.

(C) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;
BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9-3804.

1 **THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM**
2 **SERVICES SHALL PROVIDE STAFF FOR THE BOARD.**

3 **9–3805.**

4 **(A) SUBJECT TO AN INVESTIGATION UNDER § 9–602.1 OF THE**
5 **CORRECTIONAL SERVICES ARTICLE, FOR EVERY DEATH OF AN INCARCERATED**
6 **INDIVIDUAL IN THE STATE, THE BOARD SHALL CONDUCT AN ADMINISTRATIVE**
7 **REVIEW AND A CLINICAL MORTALITY REVIEW.**

8 **(B) THE ADMINISTRATIVE REVIEW SHALL ASSESS THE QUALITY OF**
9 **CORRECTIONAL STAFF AND THE EMERGENCY RESPONSE TO THE DEATH OF THE**
10 **INCARCERATED INDIVIDUAL, INCLUDING:**

11 **(1) AN EVALUATION OF THE EMERGENCY RESPONSE TRAINING**
12 **PROTOCOL AND PROCEDURES RELEVANT TO THE INCIDENT;**

13 **(2) SUBJECT TO TITLE 8, SUBTITLE 1 OF THE CORRECTIONAL**
14 **SERVICES ARTICLE, AN EVALUATION OF THE FACILITY, INCLUDING:**

15 **(I) CLEANLINESS;**

16 **(II) ACCESS TO WINDOWS AND OUTDOOR SPACE; AND**

17 **(III) AVAILABILITY OF BEDS, FOOD, CLEAN DRINKING WATER,**
18 **AND PERSONAL HYGIENE PRODUCTS; AND**

19 **(3) A REVIEW OF THE EXISTING CLINICAL INFRASTRUCTURE,**
20 **INCLUDING:**

21 **(I) INFIRMARIES AND HEALTH CARE FACILITIES;**

22 **(II) MENTAL HEALTH SERVICES; AND**

23 **(III) MEDICATION SERVICES.**

24 **(C) THE CLINICAL MORTALITY REVIEW SHALL ASSESS THE QUALITY OF**
25 **MEDICAL CARE THAT WAS ADMINISTERED TO THE DECEASED INCARCERATED**
26 **INDIVIDUAL, INCLUDING A REVIEW OF:**

27 **(1) THE MEDICAL HISTORY OF THE DECEASED INDIVIDUAL;**

(2) THE MEDICATIONS PRESCRIBED TO THE DECEASED INDIVIDUAL AND WHETHER THE MEDICATIONS WERE ADMINISTERED WHILE THE DECEASED INDIVIDUAL WAS INCARCERATED;

(3) THE NUMBER OF TIMES THE DECEASED INDIVIDUAL RECEIVED MEDICAL CARE IN THE FACILITY'S HEALTH CARE FACILITY IMMEDIATELY BEFORE THE INCARCERATED INDIVIDUAL'S DEATH; AND

(4) WHETHER THE DECEASED INDIVIDUAL RECEIVED MEDICAL CARE IN AN OUTSIDE HEALTH CARE FACILITY IMMEDIATELY BEFORE THE INCARCERATED INDIVIDUAL'S DEATH.

9-3806.

(A) FOR EVERY DEATH OF AN INCARCERATED INDIVIDUAL IN THE STATE THAT IS DETERMINED TO BE A SUICIDE OR THAT OCCURRED IN CONJUNCTION WITH A MENTAL HEALTH CRISIS, THE BOARD SHALL CONDUCT AN INDEPENDENT REVIEW.

(B) THE REVIEW SHALL INCLUDE:

(1) A REVIEW OF THE DECEASED INDIVIDUAL'S FILE; AND

(2) AN INTERVIEW WITH INDIVIDUALS WHO WERE FAMILIAR WITH THE DECEASED INDIVIDUAL, INCLUDING:

(I) FAMILY MEMBERS AND CLOSE FRIENDS;

(II) STAFF; AND

(III) OTHER INCARCERATED INDIVIDUALS.

9-3807.

(A) THE CORRECTIONAL FACILITY WHERE THE DECEASED INDIVIDUAL WAS INCARCERATED SHALL PROVIDE THE FOLLOWING DOCUMENTS TO THE BOARD FOR THE 6 MONTHS IMMEDIATELY PRECEDING THE INCARCERATED INDIVIDUAL'S DEATH:

(1) INCIDENT REPORTS AND ANY RELATED REBUTTALS;

(2) COMPLAINTS, WRITTEN OR SPOKEN, CONCERNING:

(I) MEDICAL ISSUES OR CONCERNS;

1 (II) MENTAL HEALTH;

2 (III) DANGER FROM GUARDS, STAFF, OR OTHER INCARCERATED
3 INDIVIDUALS; AND

4 (IV) THREATS FROM GUARDS, STAFF, OR OTHER INCARCERATED
5 INDIVIDUALS; AND

6 (3) ADMINISTRATIVE REMEDY PROCESS FILINGS.

7 (B) ALL DOCUMENTS SHALL BE SIGNED BY AN OFFICIAL FROM THE
8 CORRECTIONAL FACILITY.

9 **9-3808.**

10 (A) THE BOARD SHALL ANALYZE ALL DOCUMENTS RECEIVED FROM THE
11 FACILITY WHERE THE INCARCERATED INDIVIDUAL DIED IN CONJUNCTION WITH ITS
12 FINDINGS FROM ITS ADMINISTRATIVE AND CLINICAL MORTALITY REVIEWS UNDER
13 THIS SUBTITLE.

14 (B) BASED ON ITS ANALYSIS, THE BOARD SHALL DEVELOP
15 RECOMMENDATIONS FOR THE FACILITY TO:

16 (1) PREVENT FUTURE DEATHS; AND

17 (2) IMPROVE CARE FOR INCARCERATED INDIVIDUALS.

18 (C) (1) THE BOARD SHALL COMPLETE ITS ANALYSIS NOT LATER THAN 30
19 DAYS AFTER THE INCARCERATED INDIVIDUAL'S DEATH.

20 (2) NOT LATER THAN 7 DAYS AFTER THE ANALYSIS IS COMPLETED,
21 THE BOARD SHALL PUBLISH A SUMMARY OF ITS FINDINGS AND RECOMMENDATIONS
22 ONLINE.

23 (D) THE BOARD SHALL COMMUNICATE THE FINDINGS AND
24 RECOMMENDATIONS WITH THE RELEVANT FACILITY AND OVERSEE THE
25 IMPLEMENTATION OF THE RECOMMENDATIONS.

26 **9-3809.**

27 (A) IF IN ITS INVESTIGATION THE BOARD FINDS THAT THE CORRECTIONAL
28 FACILITY, OR ANY OF THE STAFF OF THE CORRECTIONAL FACILITY, VIOLATED ANY

LAW OR REGULATION, THE BOARD SHALL CREATE A COMPLIANCE PLAN FOR THE
CORRECTIONAL FACILITY.

(B) THE COMPLIANCE PLAN SHALL STATE:

(1) WHICH LAW OR REGULATION WAS VIOLATED; AND

(2) THE TIME PERIOD THAT THE BOARD WILL INSPECT THE FACILITY
TO REEVALUATE COMPLIANCE WITH RELEVANT LAWS OR REGULATIONS.

9-3810.

THE BOARD SHALL SUBMIT THE FINDINGS AND RECOMMENDATIONS
REQUIRED UNDER § 9-3808 OF THIS SUBTITLE AND THE COMPLIANCE PLAN
REQUIRED UNDER § 9-3809 OF THIS SUBTITLE TO:

(1) THE DECEASED INDIVIDUAL'S NEXT OF KIN;

(2) THE ATTORNEY GENERAL;

(3) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
SERVICES;

(4) ANY JUDGE PRESIDING OVER A CASE RELATED TO THE
INCARCERATION OF THE DECEASED INDIVIDUAL; AND

(5) IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE SENATE
JUDICIAL PROCEEDINGS COMMITTEE AND THE HOUSE JUDICIARY COMMITTEE.

9-3811.

THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL
COLLECT AND REPORT INFORMATION TO THE BOARD IN ORDER FOR THE BOARD TO
PERFORM ITS DUTIES UNDER THIS SUBTITLE.

9-3812.

THE BOARD SHALL MAINTAIN THE CONFIDENTIALITY OF MEDICAL RECORDS
RECEIVED IN ACCORDANCE WITH THIS SUBTITLE.

9-3813.

1 **(A) THE MEDICAL REVIEWS UNDER THIS SUBTITLE APPLY TO HEALTH CARE**
2 **FACILITIES AT CORRECTIONAL FACILITIES.**

3 **(B) THE MEDICAL REVIEWS UNDER THIS SUBTITLE DO NOT APPLY TO**
4 **HEALTH CARE FACILITIES NOT LOCATED AT CORRECTIONAL FACILITIES.**

5 **9-3814.**

6 **(A) THE BOARD MAY NOT INTERFERE WITH AN INVESTIGATION BY THE**
7 **DEPARTMENT OF STATE POLICE UNDER § 9-602.1 OF THE CORRECTIONAL**
8 **SERVICES ARTICLE OR THE COMMISSION ON CORRECTIONAL STANDARDS UNDER**
9 **TITLE 8, SUBTITLE 1 OF THE CORRECTIONAL SERVICES ARTICLE.**

10 **(B) THE BOARD SHALL COOPERATE AND COORDINATE WITH:**

11 **(1) THE DEPARTMENT OF STATE POLICE TO THE EXTENT THE**
12 **DEPARTMENT OF STATE POLICE REQUESTS COOPERATION AND COORDINATION IN**
13 **AN INVESTIGATION UNDER § 9-602.1 OF THE CORRECTIONAL SERVICES ARTICLE;**
14 **AND**

15 **(2) THE COMMISSION ON CORRECTIONAL STANDARDS TO THE**
16 **EXTENT THE COMMISSION REQUESTS COOPERATION AND COORDINATION IN A**
17 **REVIEW UNDER TITLE 8, SUBTITLE 1 OF THE CORRECTIONAL SERVICES ARTICLE.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2024.**

HOUSE BILL 389

R1

4lr0999

By: **Delegates Healey, Martinez, and Williams**

Introduced and read first time: January 17, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Highways – Sidewalks and Bicycle Pathways – Maintenance and Repair**

3 FOR the purpose of repealing a requirement that a political subdivision maintain and
4 repair certain sidewalks constructed by any developer of an industrial, commercial,
5 or apartment area along a highway maintained by the State Highway
6 Administration; repealing a requirement that a political subdivision maintain and
7 repair sidewalks and bicycle pathways constructed or reconstructed as part of the
8 construction or reconstruction of an urban highway or in response to the request of
9 a local government; and generally relating to maintaining and repairing sidewalks
10 and bicycle pathways.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 8–629(a) and 8–630(b) and (c)(1) and (2)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2023 Supplement)

16 BY repealing
17 Article – Transportation
18 Section 8–629(c)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 8–630(c)(6)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2023 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation

8–629.

(a) (1) With the concurrence of the local government, the Administration may require any developer of an industrial, commercial, or apartment area along a highway maintained by the Administration to construct sidewalks parallel to the highway.

(2) The construction of these sidewalks shall meet the conditions specified in entrance permits and the standards adopted by the Administration or the local government.

[(c) After sidewalks are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.]

8–630.

(b) (1) Sidewalks shall be constructed at the time of construction or reconstruction of an urban highway, or in response to the request of a local government unless:

(i) The Administration determines that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use; or

(ii) The local government indicates that there is no need for sidewalks.

(2) Sidewalks constructed under this section shall be consistent with area master plans and transportation plans adopted by the local planning commission.

(c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as part of a roadway construction or reconstruction project, the Administration shall fund the sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the roadway project.

(2) Except as provided in paragraphs (3) and (4) of this subsection, if sidewalks or bicycle pathways are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared equally between the State and local governments.

(6) [(i) Except as provided in subparagraph (ii) of this paragraph, after sidewalks and bicycle pathways are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.]

1 (ii)] Subject to approval and the availability of funds, the
2 Administration promptly shall reimburse a political subdivision for the preapproved and
3 documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway
4 that has deteriorated to the extent that repair is not practical or desirable for public safety.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.

HOUSE BILL 282

R1

4lr1912

By: **Delegate Kerr**

Introduced and read first time: January 12, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Speed Monitoring Systems – Agencies – Statements and Certificates of**
3 **Violations**

4 FOR the purpose of providing that a technician employed by an agency may sign the
5 statement alleging a violation recorded by a speed monitoring system that must be
6 included in a citation; and generally relating to agencies and speed monitoring
7 systems.

8 BY repealing and reenacting, without amendments,
9 Article – Transportation
10 Section 21–809(a)(1), (2), and (8), (b)(1)(i), and (c)(1)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 21–809(d)(1) and (e)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 21–809.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Agency” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) A law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations; or

(ii) For a municipal corporation that does not maintain a police force, an agency established or designated by the municipal corporation to implement this subtitle using speed monitoring systems in accordance with this section.

(8) "Speed monitoring system" means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, an agency shall mail to an owner liable under subsection (c) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location where the violation occurred;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency **OR A TECHNICIAN EMPLOYED BY AN AGENCY** that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;

(ix) A statement that recorded images are evidence of a violation of

1 this subtitle;

2 (x) Information advising the person alleged to be liable under this
3 section of the manner and time in which liability as alleged in the citation may be contested
4 in the District Court; and

5 (xi) Information advising the person alleged to be liable under this
6 section that failure to pay the civil penalty or to contest liability in a timely manner:

7 1. Is an admission of liability;

8 2. May result in the refusal by the Administration to register
9 the motor vehicle; and

10 3. May result in the suspension of the motor vehicle
11 registration.

12 (e) (1) A certificate alleging that the violation of this subtitle occurred and the
13 requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed
14 by a duly authorized law enforcement officer employed by or under contract with an agency
15 **OR A TECHNICIAN EMPLOYED BY AN AGENCY**, based on inspection of recorded images
16 produced by a speed monitoring system, shall be evidence of the facts contained in the
17 certificate and shall be admissible in a proceeding alleging a violation under this section
18 without the presence or testimony of the speed monitoring system operator who performed
19 the requirements under subsection (b) of this section.

20 (2) If a person who received a citation under subsection (d) of this section
21 desires the speed monitoring system operator to be present and testify at trial, the person
22 shall notify the court and the State in writing no later than 20 days before trial.

23 (3) Adjudication of liability shall be based on a preponderance of evidence.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2024.

HOUSE BILL 538

L6, C9

4lr4509
CF SB 484

By: **The Speaker (By Request – Administration) and Delegates Allen, Amprey, Bagnall, Bartlett, Bhandari, Boaf, Charkoudian, Crutchfield, Davis, Edelson, Embry, Fennell, Grossman, Guzzone, Henson, Hill, Holmes, Hornberger, Jackson, D. Jones, J. Long, McCaskill, Moon, Palakovich Carr, Pasteur, Patterson, Phillips, Pruski, Qi, Roberson, Rogers, Ruff, Ruth, Simmons, Simpson, Solomon, Taveras, Taylor, Turner, Valderrama, White Holland, and Williams**

Introduced and read first time: January 24, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Affordable Housing – Zoning Density and Permitting**
3 **(Housing Expansion and Affordability Act of 2024)**

4 FOR the purpose of prohibiting a local legislative body from prohibiting the placement of
5 certain manufactured homes in a zoning district that allows single-family
6 residential uses under certain circumstances; prohibiting a local jurisdiction from
7 using an element of an adequate public facilities law to deny a certain permit for a
8 State-funded affordable housing project or to restrict or limit the development of the
9 project in certain manners; requiring local jurisdictions to allow an increase in
10 density of certain qualified projects in certain districts or zones for certain properties
11 formerly owned by the State, located within a certain distance of a rail station, or
12 owned or controlled by a nonprofit organization; providing for the calculation of
13 residential density in certain zoning districts; prohibiting the application of certain
14 zoning requirements under certain circumstances; establishing limits on the
15 maximum number of public hearings on certain projects under certain
16 circumstances; defining certain terms; providing for the termination of a portion of
17 this Act; and generally relating to land use and zoning for affordable housing.

18 BY repealing and reenacting, with amendments,
19 Article – Land Use
20 Section 1–401 and 10–103
21 Annotated Code of Maryland
22 (2012 Volume and 2023 Supplement)

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Land Use

Section 4–104(c) and 7–105; and 7–501 through 7–506 to be under the new subtitle
“Subtitle 5. Housing Expansion and Affordability”

Annotated Code of Maryland
(2012 Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Land Use

Section 7–101

Annotated Code of Maryland

(2012 Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter
counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county –
Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

(9) § 4–104(b) (Limitations – Bicycle parking);

(10) **§ 4–104(c) (LIMITATIONS – MANUFACTURED HOMES);**

(11) § 4–208 (Exceptions – Maryland Accessibility Code);

1 ~~[(11)]~~ **(12)** § 4–210 (Permits and variances – Solar panels);

2 ~~[(12)]~~ **(13)** § 4–211 (Change in zoning classification – Energy generating
3 systems);

4 ~~[(13)]~~ **(14)** § 4–212 (Agritourism);

5 ~~[(14)]~~ **(15)** § 4–213 (Alcohol production);

6 ~~[(15)]~~ **(16)** § 4–214 (Agricultural alcohol production);

7 ~~[(16)]~~ **(17)** § 4–215 (Pollinator–friendly vegetation management);

8 ~~[(17)]~~ **(18)** § 5–102(d) (Subdivision regulations – Burial sites);

9 ~~[(18)]~~ **(19)** § 5–104 (Major subdivision – Review);

10 ~~[(19)]~~ **(20)** Title 7, Subtitle 1 (Development Mechanisms);

11 ~~[(20)]~~ **(21)** Title 7, Subtitle 2 (Transfer of Development Rights);

12 ~~[(21)]~~ **(22)** except in Montgomery County or Prince George’s County, Title
13 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

14 ~~[(22)]~~ **(23)** Title 7, Subtitle 4 (Inclusionary Zoning);

15 ~~[(23)]~~ **(24)** **TITLE 7, SUBTITLE 5 (HOUSING EXPANSION AND**
16 **AFFORDABILITY);**

17 ~~[(24)]~~ **(25)** § 8–401 (Conversion of overhead facilities);

18 ~~[(25)]~~ **(26)** for Baltimore County only, Title 9, Subtitle 3 (Single–County
19 Provisions – Baltimore County);

20 ~~[(26)]~~ **(27)** for Frederick County only, Title 9, Subtitle 10 (Single–County
21 Provisions – Frederick County);

22 ~~[(27)]~~ **(28)** for Howard County only, Title 9, Subtitle 13 (Single–County
23 Provisions – Howard County);

24 ~~[(28)]~~ **(29)** for Talbot County only, Title 9, Subtitle 18 (Single–County
25 Provisions – Talbot County); and

26 ~~[(29)]~~ **(30)** Title 11, Subtitle 2 (Civil Penalty).

(c) This section supersedes any inconsistent provision of Division II of this article.

4–104.

(C) A LEGISLATIVE BODY MAY NOT PROHIBIT THE PLACEMENT OF A NEW MANUFACTURED HOME IN A ZONE THAT ALLOWS SINGLE-FAMILY RESIDENTIAL USES IF THE MANUFACTURED HOME:

(1) MEETS THE DEFINITION OF A MANUFACTURED HOME IN § 9-102(A) OF THE COMMERCIAL LAW ARTICLE; AND

(2) IS, OR WILL BE AFTER PURCHASE, CONVERTED TO REAL PROPERTY IN ACCORDANCE WITH TITLE 8B, SUBTITLE 2 OF THE REAL PROPERTY ARTICLE.

7–101.

To encourage the preservation of natural resources or the provision of affordable housing and to facilitate orderly development and growth, a local jurisdiction that exercises authority granted by this division may enact, and is encouraged to enact, local laws providing for or requiring:

(1) the planning, staging, or provision of adequate public facilities and affordable housing;

(2) off-site improvements or the dedication of land for public facilities essential for a development;

(3) moderately priced dwelling unit programs;

(4) mixed use developments;

(5) cluster developments;

(6) planned unit developments;

(7) alternative subdivision requirements that:

(i) meet minimum performance standards set by the local jurisdiction; and

(ii) reduce infrastructure costs;

(8) floating zones;

(9) incentive zoning; and

(10) performance zoning.

SUBTITLE 5. HOUSING EXPANSION AND AFFORDABILITY.

7-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ADEQUATE PUBLIC FACILITY LAW” MEANS A LOCAL LAW PROVIDING FOR OR REQUIRING THE PLANNING, STAGING, OR PROVISION OF ADEQUATE PUBLIC FACILITIES, AS AUTHORIZED UNDER § 7-101(1) OF THIS TITLE.

(C) “AFFORDABLE” MEANS THAT HOUSING COSTS DO NOT EXCEED 30% OF A HOUSEHOLD’S INCOME.

(D) “AFFORDABLE DWELLING UNIT” MEANS A DWELLING UNIT THAT IS AFFORDABLE TO HOUSEHOLDS EARNING 60% OR LESS OF THE AREA MEDIAN INCOME.

(E) “AREA MEDIAN INCOME” MEANS THE MEDIAN HOUSEHOLD INCOME FOR THE AREA ADJUSTED FOR HOUSEHOLD SIZE AS PUBLISHED AND ANNUALLY UPDATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(F) “BOARD OF APPEALS” MEANS A BOARD OF APPEALS ESTABLISHED UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE.

(G) “COTTAGE CLUSTER” MEANS A GROUPING OF NOT FEWER THAN FOUR DETACHED HOUSING UNITS PER ACRE THAT:

(1) HAVE A FOOTPRINT OF LESS THAN 900 SQUARE FEET EACH; AND

(2) INCLUDE A COMMON COURTYARD.

(H) “HISTORIC DISTRICT COMMISSION” OR “HISTORIC PRESERVATION COMMISSION” MEANS A COMMISSION ESTABLISHED UNDER TITLE 8, SUBTITLE 2 OF THIS ARTICLE.

(I) “MIDDLE HOUSING” MEANS:

(1) DUPLEXES;

(2) TRIPLEXES;

(3) QUADPLEXES;

(4) COTTAGE CLUSTERS; OR

(5) TOWN HOUSES.

(J) "MIXED-USE" MEANS A COMBINATION OF HOUSING, RETAIL, AND OFFICE SPACE.

(K) "PERMIT" MEANS A BUILDING PERMIT OR OTHER PERMIT ISSUED IN WRITING, AS REQUIRED BY A LOCAL JURISDICTION, TO AUTHORIZE THE START OF PREDEVELOPMENT OR CONSTRUCTION ACTIVITIES TO CONSTRUCT, ALTER, DEMOLISH, OR RELOCATE AN EXISTING OR NEW STRUCTURE.

(L) "PLANNING COMMISSION" INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER:

(1) TITLE 2 OF THIS ARTICLE;

(2) DIVISION II OF THIS ARTICLE; OR

(3) TITLE 10 OF THE LOCAL GOVERNMENT ARTICLE.

(M) "TOWN HOUSE" MEANS A COMPLEX OF DWELLING UNITS CONSTRUCTED IN A ROW OF TWO OR MORE ATTACHED UNITS, WHERE EACH DWELLING UNIT IS LOCATED ON AN INDIVIDUAL LOT OR PARCEL AND SHARES AT LEAST ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT.

(N) "UNREASONABLE LIMITATION OR REQUIREMENT" INCLUDES ANY LIMITATION OR REQUIREMENT THAT HAS A SUBSTANTIAL ADVERSE IMPACT ON:

(1) THE VIABILITY OF AN AFFORDABLE HOUSING DEVELOPMENT IN A QUALIFIED PROJECT;

(2) THE DEGREE OF AFFORDABILITY OF AFFORDABLE DWELLING UNITS IN A QUALIFIED PROJECT; OR

(3) THE ALLOWABLE DENSITY OF THE QUALIFIED PROJECT.

1 (A) IN THIS SECTION, “QUALIFIED PROJECT” MEANS A RESIDENTIAL
2 PROJECT THAT:

3 (1) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL
4 RENOVATION;

5 (2) IS ON PROPERTY THAT:

6 (I) WAS FORMERLY OWNED BY THE STATE;

7 (II) CONSISTS OF MORE THAN ONE BUILDING;

8 (III) INCLUDES AT LEAST ONE BUILDING THAT WAS BUILT MORE
9 THAN 50 YEARS BEFORE THE DATE OF APPLICATION FOR THE PROJECT; AND

10 (IV) IS APPROPRIATE FOR REDEVELOPMENT AS DETERMINED BY
11 THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;

12 (3) CONTAINS AT LEAST 50% OF UNITS THAT ARE AFFORDABLE
13 DWELLING UNITS; AND

14 (4) IS DEED-RESTRICTED TO INCLUDE 50% OF UNITS THAT ARE
15 AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.

16 (B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION
17 SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY
18 OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.

19 (2) IN AN AREA ZONED EXCLUSIVELY FOR SINGLE-FAMILY
20 RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.

21 (3) IN AN AREA ZONED EXCLUSIVELY FOR MULTIFAMILY
22 RESIDENTIAL USE, A QUALIFIED PROJECT:

23 (I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE
24 ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED
25 PROJECT; AND

26 (II) MAY CONSIST OF MIXED-USE.

27 (4) IN AN AREA ZONED EXCLUSIVELY FOR NONRESIDENTIAL USE, A
28 QUALIFIED PROJECT MAY CONSIST OF MIXED-USE DEVELOPMENT WITH DENSITY
29 LIMITS THAT DO NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL
30 JURISDICTION’S MULTIFAMILY RESIDENTIAL ZONES.

(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT.

7-503.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "QUALIFIED PROJECT" MEANS A RESIDENTIAL PROJECT THAT:

(I) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION;

(II) IS ON PROPERTY THAT IS LOCATED WITHIN 1 MILE OF A RAIL STATION LOCATED IN THE STATE;

(III) CONTAINS AT LEAST 25% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS; AND

(IV) IS DEED-RESTRICTED TO INCLUDE 25% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.

(3) "RAIL STATION" MEANS A PRESENT OR PLANNED:

(I) MARC STATION ALONG THE PENN, CAMDEN, OR BRUNSWICK LINES;

(II) BALTIMORE METRO SUBWAYLINK STATION;

(III) BALTIMORE LIGHT RAILLINK STATION;

(IV) METRORAIL SYSTEM STATION IN THE STATE; OR

(V) ANY OTHER PASSENGER RAIL STATION.

(B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.

(2) IN AN AREA ZONED EXCLUSIVELY FOR SINGLE-FAMILY RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.

1 **(3) IN AN AREA ZONED EXCLUSIVELY FOR MULTIFAMILY**
2 **RESIDENTIAL USE, A QUALIFIED PROJECT:**

3 **(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE**
4 **ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED**
5 **PROJECT; AND**

6 **(II) MAY CONSIST OF MIXED-USE.**

7 **(4) IN AN AREA ZONED EXCLUSIVELY FOR NONRESIDENTIAL USE, A**
8 **QUALIFIED PROJECT MAY CONSIST OF MIXED-USE, WITH DENSITY LIMITS THAT DO**
9 **NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL JURISDICTION'S**
10 **MULTIFAMILY RESIDENTIAL ZONES.**

11 **(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY**
12 **INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES**
13 **THAT ARE NOT PART OF A QUALIFIED PROJECT.**

14 **7-504.**

15 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

17 **(2) "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION THAT IS**
18 **TAX-EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

19 **(3) "QUALIFIED PROJECT" MEANS A RESIDENTIAL PROJECT THAT:**

20 **(I) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL**
21 **RENOVATION;**

22 **(II) IS ON LAND, INCLUDING LAND THAT IS SUBJECT TO A**
23 **GROUND LEASE, THAT:**

24 1. **IS WHOLLY OWNED BY A NONPROFIT ORGANIZATION;**
25 **OR**

26 2. **INCLUDES IMPROVEMENTS OWNED BY AN ENTITY**
27 **THAT IS CONTROLLED BY A NONPROFIT ORGANIZATION;**

28 **(III) CONTAINS AT LEAST 50% OF UNITS THAT ARE AFFORDABLE**
29 **DWELLING UNITS; AND**

(IV) IS DEED-RESTRICTED TO INCLUDE 50% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.

(B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.

(2) IN AN AREA ZONED EXCLUSIVELY FOR SINGLE-FAMILY RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.

(3) IN AN AREA ZONED EXCLUSIVELY FOR MULTIFAMILY RESIDENTIAL USE, A QUALIFIED PROJECT:

(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT; AND

(II) MAY CONSIST OF MIXED-USE.

(4) IN AN AREA ZONED EXCLUSIVELY FOR NONRESIDENTIAL USE, A QUALIFIED PROJECT MAY CONSIST OF MIXED-USE DEVELOPMENT WITH DENSITY LIMITS THAT DO NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL JURISDICTION'S MULTIFAMILY RESIDENTIAL ZONES.

(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT.

7-505.

A LOCAL JURISDICTION MAY NOT IMPOSE ANY UNREASONABLE LIMITATION OR REQUIREMENTS ON A QUALIFIED PROJECT UNDER THIS SUBTITLE, INCLUDING LIMITATIONS ON OR REQUIREMENTS CONCERNING:

(1) HEIGHT;

(2) SETBACK;

(3) BULK;

(4) PARKING;

(5) LOADING, DIMENSIONAL, OR AREA; OR

(6) SIMILAR REQUIREMENTS.

7-506.

EXCEPT AS OTHERWISE PROVIDED OR REQUIRED BY STATE LAW, A LOCAL GOVERNMENT MAY NOT REQUIRE THAT A QUALIFIED PROJECT UNDER THIS SUBTITLE BE REVIEWED AT MORE THAN ONE PUBLIC HEARING BEFORE EACH OF THE FOLLOWING:

(1) THE LOCAL GOVERNING BODY;

(2) THE PLANNING COMMISSION;

(3) A HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION COMMISSION; AND

(4) THE BOARD OF APPEALS.

10-103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

(1) this title;

(2) § 1-101(m) (Definitions – “Priority funding area”);

(3) § 1-101(o) (Definitions – “Sensitive area”);

(4) § 1-201 (Visions);

(5) § 1-206 (Required education);

(6) § 1-207 (Annual report – In general);

(7) § 1-208 (Annual report – Measures and indicators);

(8) Title 1, Subtitle 3 (Consistency);

(9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);

(10) § 4–104(b) (Limitations – Bicycle parking);

(11) **§ 4–104(C) (LIMITATIONS – MANUFACTURED HOMES);**

(12) § 4–205 (Administrative adjustments);

[(12)] **(13)** § 4–207 (Exceptions – Maryland Accessibility Code);

[(13)] **(14)** § 4–210 (Permits and variances – Solar panels);

[(14)] **(15)** § 4–211 (Change in zoning classification – Energy generating systems);

[(15)] **(16)** § 4–215 (Pollinator–friendly vegetation management);

[(16)] **(17)** § 5–102(d) (Subdivision regulations – Burial sites);

[(17)] **(18)** Title 7, Subtitle 1 (Development Mechanisms);

[(18)] **(19)** Title 7, Subtitle 2 (Transfer of Development Rights);

[(19)] **(20)** Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(20)] **(21)** Title 7, Subtitle 4 (Inclusionary Zoning);

(22) TITLE 7, SUBTITLE 5 (HOUSING EXPANSION AND AFFORDABILITY); and

[(21)] **(23)** Title 11, Subtitle 2 (Civil Penalty).

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Land Use

7–105.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ADEQUATE PUBLIC FACILITY LAW” HAS THE MEANING STATED IN § 7–501 OF THIS TITLE.

1 **(3) “PERMIT” HAS THE MEANING STATED IN § 7–501 OF THIS TITLE.**

2 **(4) “STATE–FUNDED AFFORDABLE HOUSING PROJECT” INCLUDES**
3 **ANY RESIDENTIAL PROJECT THAT IS FUNDED:**

4 **(I) WITH FEDERAL LOW–INCOME TAX CREDITS GRANTED IN**
5 **ACCORDANCE WITH 26 U.S.C. § 42; OR**

6 **(II) UNDER TITLE 4, SUBTITLE 2, SUBTITLE 4, OR SUBTITLE 12**
7 **OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

8 **(B) IN MAKING A DECISION ON A PERMIT APPLICATION FOR A**
9 **STATE–FUNDED AFFORDABLE HOUSING PROJECT, A LOCAL JURISDICTION MAY NOT**
10 **USE AN ELEMENT OF AN ADEQUATE PUBLIC FACILITY LAW TO:**

11 **(1) DENY THE PERMIT; OR**

12 **(2) UNREASONABLY RESTRICT OR LIMIT THE DEVELOPMENT OF THE**
13 **PROJECT, INCLUDING ANY RESTRICTION OR LIMITATION THAT MAY RESULT IN A**
14 **SUBSTANTIAL ADVERSE IMPACT ON:**

15 **(I) THE VIABILITY OF THE AFFORDABLE HOUSING**
16 **DEVELOPMENT;**

17 **(II) THE DEGREE OF AFFORDABILITY OF THE AFFORDABLE**
18 **DWELLING UNITS; OR**

19 **(III) THE ALLOWABLE DENSITY OF THE PROJECT.**

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2024. Section 2 of this Act shall remain effective for a period of 15 years and, at
22 the end of September 30, 2039, Section 2 of this Act, with no further action required by the
23 General Assembly, shall be abrogated and of no further force and effect.