

HOUSE BILL 818

L5

3lr0816

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

Introduced and read first time: February 8, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Maryland–Washington Regional District – Standing to**
3 **Request Review of Zoning and Land Use Decisions**

4 **MC/PG 107–23**

5 FOR the purpose of altering the list of persons that may request judicial review of a final
6 decision of the Prince George's County District Council; altering the list of persons
7 that may request the district council to review a decision of a zoning hearing
8 examiner or the planning board of Prince George's County; altering the
9 circumstances under which a certain person may request the district council to
10 review a decision of a zoning hearing examiner or the planning board of Prince
11 George's County; and generally relating to reviews of zoning decisions in Prince
12 George's County.

13 BY repealing and reenacting, with amendments,
14 Article – Land Use
15 Section 22–407(a)(1) and 23–401
16 Annotated Code of Maryland
17 (2012 Volume and 2022 Supplement)

18 BY repealing
19 Article – Land Use
20 Section 25–212
21 Annotated Code of Maryland
22 (2012 Volume and 2022 Supplement)

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

25 **Article – Land Use**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



22–407.

(a) (1) Judicial review of [any] A final decision of the district council, including an individual map amendment or a sectional map amendment, may be requested by [any person or entity that is aggrieved by the decision of the district council and is]:

(i) [a] ANY municipal corporation, governed special taxing district, or person in the county;

(ii) [a] ANY civic or homeowners association representing property owners affected by the final decision; **OR**

(iii) [the owner of the property that is the subject of the decision; or

(iv)] **IF AGGRIEVED**, the applicant.

23–401.

(a) (1) Within 30 days after the county planning board takes final action on an application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action; **OR**

(ii) [in Montgomery County,] a person or municipal corporation that appeared at the hearing in person, by attorney, or in writing[; or

(iii) in Prince George’s County, a municipal corporation that appeared at the hearing in person, by attorney, or in writing].

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) (1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7–202(d).

(2) On receiving a copy of the petition, the county planning board shall:

1 (i) promptly give notice of the petition to all parties to the
2 proceeding before it; and

3 (ii) within 30 days after the filing of the petition, file with the circuit
4 court:

5 1. the originals or certified copies of all papers and evidence
6 presented to the county planning board in the proceeding before it; and

7 2. a copy of its opinion and resolution deciding the
8 application.

9 (3) Any party to the proceeding in the circuit court aggrieved by the
10 judgment of the court may appeal from the judgment to the Court of Special Appeals.

11 (4) The review proceedings provided by this section are exclusive.

12 [25–212.

13 In Prince George’s County, a person may make a request to the district council for
14 the review of a decision of the zoning hearing examiner or the county planning board only
15 if:

16 (1) the person is an aggrieved person that appeared at the hearing before
17 the zoning hearing examiner or county planning board in person, by an attorney, or in
18 writing; and

19 (2) the review is expressly authorized under this division.]

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2023.