

HOUSE BILL 505

L5, M1
HB 1015/20 – ENT

2lr0662

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: January 21, 2022
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Land Use Documents – Certification**

3 **PG/MC 107–22**

4 FOR the purpose of requiring certain land use regulations applicable in Montgomery
5 County to require that an applicant sign a certification for certain documents
6 submitted to the county planning board; and generally relating to the certification of
7 certain land use documents in Montgomery County.

8 BY repealing and reenacting, without amendments,
9 Article – Land Use
10 Section 23–102(a) and (c), 23–103(a), and 23–104(a)(1)
11 Annotated Code of Maryland
12 (2012 Volume and 2021 Supplement)

13 BY adding to
14 Article – Land Use
15 Section 23–109
16 Annotated Code of Maryland
17 (2012 Volume and 2021 Supplement)

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

20 **Article – Land Use**

21 23–102.

22 (a) (1) Except as provided in subsection (c) of this section, a subdivision plat of
23 land in the regional district may not be admitted to the land records of Montgomery County
24 or Prince George's County, or received or recorded by the clerks of the courts of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 respective county, unless:

2 (i) the plat has been submitted to and approved by the applicable
3 county planning board; and

4 (ii) the chair of the county planning board and the
5 secretary-treasurer of the Commission endorse an approval in writing on the plat.

6 (2) The recordation of a subdivision plat without the approval of the county
7 planning board is void.

8 (c) A subdivision in a municipal corporation with subdivision authority under
9 Division II of the Local Government Article that is in the regional district may be recorded
10 in the land records of Montgomery County or Prince George's County if:

11 (1) the subdivision plat has been submitted to and approved by the
12 municipal corporation; and

13 (2) the appropriate official of the municipal corporation endorses an
14 approval in writing on the plat.

15 23-103.

16 (a) Except as provided in subsection (b) of this section, in connection with the
17 approval of a subdivision plat, the appropriate county planning board may require a
18 dedication of land for:

19 (1) an interior subdivision road;

20 (2) a road that abuts the subdivision for the purpose of creating a new road
21 as part of the plan of subdivision to provide for traffic access to another subdivision road;
22 and

23 (3) the widening of an existing or public road that abuts the subdivision for
24 the purpose of providing additional right-of-way adequate to serve additional traffic that
25 will be generated by the subdivision.

26 23-104.

27 (a) (1) In exercising the subdivision powers under §§ 23-102 and 23-103 of
28 this subtitle, the Commission or the governing body of Montgomery County or Prince
29 George's County may adopt subdivision regulations and amendments governing a
30 subdivision in:

31 (i) the regional district; or

32 (ii) the respective portion of the regional district in the county.

1 **23-109.**

2 **(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

3 **(B) THE SUBDIVISION REGULATIONS SHALL REQUIRE AN APPLICANT TO**
4 **SIGN A CERTIFICATION UNDER THE PENALTY OF PERJURY FOR:**

5 **(1) A FOREST CONSERVATION PLAN EXEMPTION APPLICATION;**

6 **(2) A NATURAL RESOURCES INVENTORY/FOREST STAND**
7 **DELINEATION, INCLUDING ANY REQUIRED MAPS OR DRAWINGS;**

8 **(3) A FOREST MITIGATION BANK APPLICATION; AND**

9 **(4) A CONCEPT PLAN OR ANY OTHER LOCAL DEVELOPMENT PLAN**
10 **THAT DOES NOT REQUIRE EITHER A NATURAL RESOURCES INVENTORY/FOREST**
11 **STAND DELINEATION OR A FOREST CONSERVATION PLAN EXEMPTION.**

12 **(C) A CERTIFICATION REQUIRED UNDER THIS SECTION SHALL BE IN THE**
13 **FOLLOWING FORM:**

14 **“I (WE) CERTIFY, UNDER THE PENALTY OF PERJURY, THAT THIS DOCUMENT,**
15 **INCLUDING ANY ACCOMPANYING FORMS, STATEMENTS, MAPS, OR DRAWINGS, HAS**
16 **BEEN EXAMINED BY ME (US) AND THE INFORMATION CONTAINED HEREIN, TO THE**
17 **BEST OF MY (OUR) KNOWLEDGE, INFORMATION, AND BELIEF, IS TRUE, CORRECT,**
18 **AND COMPLETE.”.**

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
20 **October 1, 2022.**