

HOUSE BILL 1364

L5

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

Introduced and read first time: February 9, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Montgomery**
3 **County – People's Counsel for Land Use Planning**

4 **PG/MC 112–24**

5 FOR the purpose of requiring the County Executive of Montgomery County to appoint a
6 People's Counsel for Land Use Planning to represent the public interest of county
7 residents in certain land use proceedings, to ensure fairness to certain populations,
8 and to ensure that a certain public record is established for certain proceedings;
9 establishing the qualifications and responsibilities of the People's Counsel;
10 prohibiting the People's Counsel from representing a private individual or group in
11 certain proceedings; requiring the Maryland–National Capital Park and Planning
12 Commission to include in its annual operating budget proposal certain funding for
13 the People's Counsel and requiring the Montgomery County Council to approve the
14 funding; and generally relating to the Maryland–National Capital Park and
15 Planning Commission and the Montgomery County People's Counsel for Land Use
16 Planning.

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

22 BY repealing and reenacting, without amendments,
23 Article – Land Use
24 Section 24–101
25 Annotated Code of Maryland
26 (2012 Volume and 2023 Supplement)

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Land Use

Section 24–401 to be under the new subtitle “Subtitle 4. People’s Counsel for Land Use Planning”

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

18–103.

The budgets shall contain:

(1) separately for each county for which items are allocable and for which a tax is imposed, the proposed expenditures and estimates of anticipated revenue;

(2) a complete planning work program for each county in the regional district, including a schedule for the production of all plans and amendments;

(3) items allocable jointly to both counties, including provisions for:

(i) the operation of the units of the Commission established by law;
and

(ii) the regional planning program; [and]

(4) a schedule of recreation activities and programs for Prince George’s County in accordance with § 25–806 of this article; **AND**

(5) FOR MONTGOMERY COUNTY, ADEQUATE FUNDING FOR THE PEOPLE’S COUNSEL FOR LAND USE PLANNING IN ACCORDANCE WITH § 24–401 OF THIS ARTICLE.

24–101.

This title applies only in Montgomery County.

SUBTITLE 4. PEOPLE’S COUNSEL FOR LAND USE PLANNING.

24–401.

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

1 **(2) “LAND USE PLANNING” INCLUDES MASTER PLANNING, ZONING,**
2 **AND DEVELOPMENT REVIEW.**

3 **(3) “PEOPLE’S COUNSEL” MEANS THE PEOPLE’S COUNSEL FOR**
4 **LAND USE PLANNING.**

5 **(B) THE COUNTY EXECUTIVE SHALL APPOINT A PEOPLE’S COUNSEL FOR**
6 **LAND USE PLANNING TO:**

7 **(1) REPRESENT THE PUBLIC INTEREST OF COUNTY RESIDENTS IN**
8 **PROCEEDINGS RELATED TO LAND USE PLANNING;**

9 **(2) ENSURE FAIRNESS TO POPULATIONS THAT HAVE BEEN**
10 **TRADITIONALLY UNDERREPRESENTED IN THE COUNTY LAND USE PLANNING**
11 **PROCESS; AND**

12 **(3) ENSURE THAT A COMPLETE PUBLIC RECORD IS ESTABLISHED FOR**
13 **PROCEEDINGS RELATED TO LAND USE PLANNING.**

14 **(C) THE PEOPLE’S COUNSEL SHALL:**

15 **(1) BE ADMITTED TO PRACTICE LAW IN THE STATE;**

16 **(2) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN THE PRACTICE OR**
17 **TEACHING OF LAW; AND**

18 **(3) HAVE SUBSTANTIAL EXPERIENCE WITH LAND USE LEGAL ISSUES**
19 **AND PROCEDURES.**

20 **(D) THE PEOPLE’S COUNSEL MAY NOT REPRESENT A PRIVATE INDIVIDUAL**
21 **OR INTEREST GROUP IN ANY PROCEEDING.**

22 **(E) (1) THE COMMISSION SHALL INCLUDE IN ITS ANNUAL OPERATING**
23 **BUDGET PROPOSAL ADEQUATE FUNDING FOR THE PEOPLE’S COUNSEL.**

24 **(2) THE COUNTY COUNCIL SHALL APPROVE FUNDING FOR THE**
25 **PEOPLE’S COUNSEL AS PROVIDED FOR IN THE COMMISSION’S BUDGET PROPOSAL.**

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