

LEGISLATION ENACTED IN THE 2007 SESSION OF THE MARYLAND GENERAL ASSEMBLY AFFECTING THE MARYLAND DEPARTMENT OF PLANNING

The following is a brief summary of legislation enacted in the 2007 session of the Maryland General Assembly affecting the Maryland Department of Planning. For additional information on bills contained in this report, please log on to the website of the Maryland General Assembly at: <http://mlis.state.md.us/index.html#bill>

Sponsored by the Maryland Department of Planning

HB 598/SB 613 Maryland Heritage Structure Rehabilitation Tax Credit Program

Modifies and extends the Maryland Heritage Structure Rehabilitation Tax Credit Program, as outlined below:

- extends termination date through fiscal year 2010 for commercial and owner-occupied residential property rehabilitations.
- increases, from 50% to 75%, the maximum amount of total initial credit certificates issued in a fiscal year that can be allocated for projects located in one county or Baltimore City. If the total amount of initial credit certificates issued is less than the amount appropriated to the fund for that fiscal year due to the 75% restriction, the excess amount may be distributed within the same fiscal year to any one county or Baltimore City without regard to the 75% restriction.
- awards credits that favor projects located in jurisdictions historically underrepresented in the awarding of tax credits. This determination is to be made based on the number of structures located in each jurisdiction that are either listed on the National Register of Historic Places or are located in a historic district listed on the National Register of Historic Places and certified by the Department of Housing and Community Development as contributing to the significance of the district.
- eliminates requirement that at least 10% of all commercial credits be awarded to nonprofit organizations
- extends commercial rehabilitation project deadline by providing that an initial credit certificate issued for a commercial rehabilitation would not expire until 30 months after the issuance of the certificate
- extends the fee charged to certify the rehabilitation of commercial projects to residential rehabilitations.
- requires MHT to establish criteria that are consistent with the rehabilitation standards of the United States Secretary of the Interior; and
- eliminates the requirement that MHT can only accept commercial rehabilitation applications between January 1 and March 31 of each fiscal year.

Effective Date: July 1, 2007

Sponsored by the Maryland Department of Planning

HB 1217 Maryland Heritage Areas Authority

Codifies existing regulations to provide acquisition and development grants only in projects in “target investment zones” within certified heritage areas, with certain exceptions. A target investment zone is a specific area located within a certified heritage area that is identified as a priority area intended to attract significant private investment in order to encourage demonstrable results and return on investment within the area in a relatively short period of time. The legislation extends to 10 years the time-period during which capital projects in target investment zones are eligible for grants, up from the former 5 years. Allows capital grants to be made outside of target investment zones if the Maryland Heritage Areas Authority determines a project is essential to the successful implementation of the Heritage Area management plan. *Effective Date: July 1, 2007*

2007 Legislation of Significant Interest to the Maryland Department of Planning

HB 773 Task Force on the Future for Growth & Development- Membership and Charge

Modifies Chapter 381 of 2006 that established a 14-member Task Force on the Future for Growth and Development in Maryland staffed by MDP. The new legislation requires the Governor to designate the chair of the task force and for it to serve as an advisory board to the Governor's Smart Growth Subcabinet, providing guidance and advice at least twice annually through December 31, 2010. In addition to its existing duties, the task force must:

- determine methods to assess the cumulative impacts of proposed development on infrastructure on a regional scale;
- determine the parameters for a state development plan, state transportation plan, state housing plan;
- determine how those plans work together with land use plans;
- identify infrastructure needed for Smart Growth development consistent with population growth;
- and assess mechanisms to fund the construction and maintenance of Smart Growth infrastructure.

The bill adds the following members to the task force: The Secretaries of Transportation and Housing and Community Development; the Chair of the BRAC Subcabinet; the Executive Director of the Rural Maryland Council or designee; and three representatives of citizen's organizations addressing affordable housing, transportation and Smart Growth. The deadline is extended, from December 1, 2007 to December 1, 2008, for the task force to report its findings and recommendations to the Speaker of the House, the President of the Senate, the Senate Education, Health and Environmental Affairs Committee, and the House Environmental Matters Committee, and the Governor. The task force has no termination date. *Effective Date: July 1, 2007*

SB 110/HB 136 Base Realignment and Closure Act

Creates a 10-member Base Realignment and Closure (BRAC) Subcabinet in State government that is primarily staffed by the Department of Business and Economic Development (DBED). The subcabinet includes the Lieutenant Governor, who serves as the chair, the State Superintendent of Schools, and the Secretaries of Budget and Management; Business and Economic Development; Environment; Higher Education; Housing and Community Development; Labor, Licensing and Regulation; Planning; and Transportation. The subcabinet must meet regularly, and report to the Governor and the General Assembly annually on State action to support the mission of military installations. The subcabinet is charged with several tasks, including:

- coordinating and overseeing the implementation of all State action to support the mission of military installations affected by BRAC, including working with Maryland's congressional delegation to obtain federal funds;
- coordinating and overseeing the development of BRAC-related initiatives in education; workforce readiness; business development; community infrastructure and growth; health care facilities, services, and workforce infrastructure; workforce housing; environmental stewardship; and transportation;
- working with local jurisdictions affected by BRAC to facilitate planning, coordination, and cooperation with the State;
- collaborating with and reviewing the recommendations of the Maryland Military Installation Council; and
- making policy and budget recommendations to the Governor and the General Assembly to strengthen State support of military installations. *Effective Date: June 1, 2007. Terminates December 31, 2011*

HB 1354 Certification of County Priority Preservation Areas

Modifies Chapter 289 of 2006, the Agricultural Stewardship Act of 2006, which authorized counties to include a Priority Preservation Area (PPA) element in their local comprehensive plans. The new changes make the statutory requirements for the certification and recertification of local agricultural land preservation programs consistent with existing statutory requirements that require counties participating in the State's agricultural land preservation program to adopt ordinances binding the county from interfering with normal agricultural activities on preserved land. The bill clarifies that

- a PPA must be governed by local policies, ordinances, regulations, and procedures that support the ability of working farms in the PPA to engage in normal agricultural activities;
- a PPA must be large enough to support normal agricultural and forestry activities in conjunction with the amount of development permitted by the county in the PPA; and
- the Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation (MALPF) are prohibited from certifying a PPA unless they agree that the county's comprehensive plan: (1) describes the county's strategy to support normal agricultural and forestry activities, and the ordinances, regulations, and procedures the county is using in the PPA support the ability of working farms to engage in normal agricultural and forestry activities; and (2) includes an evaluation of the ability of the county's zoning and other land use management practices to achieve MALPF's goals before development excessively compromises the agricultural and forest resource land. *Effective Date: October 1, 2007*

SB 102/HB 137 StateStat

Establishes a StateStat management accountability process for Executive Branch agencies that replaces, for selected agencies, the existing strategic planning process. Agencies selected for participation must submit a strategic plan and performance measurement report to the Secretary of Budget and Management as part of its annual budget submissions. The StateStat strategic plan has to contain the information currently required in the Managing for Results (MFR) strategic plan. Each agency selected to participate in StateStat must:

- adopt a strategic plan and establish goals for its operation;
- adopt a comprehensive set of performance and citizen satisfaction measurements;
- regularly and frequently: submit timely and accurate data; review and analyze its submitted data; and attend accountability meetings to assess its performance;
- continuously review its strategies and tactics to meet its goals; and
- continuously assess its progress toward meeting its goals.

Effective Date: June 1, 2007

SB 3 Real Property - Condemnation - Procedures and Compensation

The primary purpose of this bill is to increase compensation for homeowners, tenants, and business or farm owners who are displaced as a result of a condemnation action by the displacing agency and

- doubles the cap on the amount that may be paid to a displaced homeowner or tenant (\$45,000 and \$10,500, respectively) for a comparable replacement dwelling;
- increases from \$10,000 to \$60,000 the cap on the amount that may be paid to reestablish a displaced farm, nonprofit organization, or small business at its new site; and
- increases from \$20,000 to \$60,000 the alternative fixed payment that may be elected by a displaced business or farm operation in lieu of being relocated.

The bill also requires a representative of the displacing agency to contact the owner of any business or farm operation on the private property to be acquired in a condemnation action no less than 30 days before the filing of a condemnation action to negotiate in good faith a relocation plan for the business or farm. The State, its instrumentalities, or its political subdivisions must file a condemnation action within four years after the date of the specific administrative or legislative authorization to acquire the property. If an action is not filed within that four-year period, the governmental unit may not proceed until it first obtains a new authorization to acquire the property. With regard to a condemnation authorization granted before July 1, 2007, the effective date of the bill, State, its instrumentalities, or its political subdivisions are required to file an action for condemnation by July 1, 2011 or within four years from the effective date of the bill. *Effective Date: July 1, 2007*

SB 414 Working Waterfront Commission

Establishes a Working Waterfront Commission to study and make recommendations regarding protecting and preserving Maryland's commercial fishing industry's access to public trust waters. The commission is chaired by the Governor's designee and staffed by the Department of Natural Resources (DNR) and the Department of Legislative Services (DLS). The Secretary of the Maryland Department of Planning (MDP) or Secretary's designee is required to serve on the commission. Findings and recommendations are due to the Governor and the General Assembly by December 15, 2007.

The Commission consists of the following additional members: (1) one member of the Senate of Maryland, appointed by the President of the Senate; (2) one member of the House of Delegates, appointed by the Speaker of the House; (3) the Secretary of DNR or the Secretary's designee; (4) the Secretary or the Secretary's designee from the Department of Business and Economic Development; (5) the Executive Director of the Maryland Association of Counties, or the Executive Director's designee; (6) the Executive Director of the Maryland Municipal League, or the Executive Director's designee; (7) the President of the Chesapeake Bay Foundation, or the President's designee; (8) the Executive Director of the Maryland Agricultural and Resource-Based Industry Development Corporation, or the Executive Director's designee; (9) the Executive Director of the Coastal Bays Association, or the Executive Director's designee; (10) the President of the Chesapeake Bay Seafood Industries Association, or the President's designee; (11) the Director of the Sea Grant Program, or the Director's designee; (12) the President of the Maryland Waterman's Association and a member of the Maryland Waterman's Association appointed by the President of the Association; (13) the Executive Director of the Maryland Saltwater Sportfishermen's Association, or the Executive Director's designee; and (14) three watermen appointed by the Governor representing: (i) the coastal bay; (ii) the lower bay; and (iii) the upper bay.

Effective Date: June 1, 2007. Terminates May 31, 2008

SB 332/HB 942 Maryland Green Building Council

Codifies the Maryland Green Building Council that was created by Executive Order 01.01.2001.02 in March 2001 and establishes the council within the Department of General Services (DGS) to advise the Governor and the General Assembly on strategies for using green building technologies in State construction projects. DGS is responsible for staffing the council, with assistance as necessary from other State agencies. The Secretary of MDP or Secretary's designee is required to serve on the council. Membership is also required from the departments of Business and Economic Development; Budget and Management; Environment; Housing and Community Development; Natural Resources; Transportation; Maryland Energy Administration; the Interagency Committee on Public School Construction; the Chancellor of University System of Maryland; and 6 members appointed by the Governor representing environment, business or citizen interests, one of whom must have expertise in energy

conservation or green building design standards. By November 1, 2007 and each year thereafter, the council must report to the Governor and the General Assembly regarding plans for implementing a high performance building program within the State, and progress made during the year. By September 30, 2007, the council must:

- . evaluate current green building technologies;
- . recommend cost-effective green building technologies that the State may consider incorporating into the construction of new State facilities; and
- . develop a list of building types for which green building technologies should not be applied.

Effective Date: June 1, 2007

SB 861 Task Force - Urban Senior Care Communities in Baltimore City

Establishes the Task Force to Study the Feasibility of Developing Urban Senior Care Communities in Baltimore City, staffed by the Department of Housing and Community Development. The Secretary of Planning or the Secretary's designee is required to serve on the task force. Membership is also required from the Secretary of Department of Health and Mental Hygiene or the Secretary's designee; the Secretary of Housing and Community Development or the Secretary's designee; the Secretary of Aging, or the Secretary's designee; and five consumer members appointed by the chair of the Task Force.

The task force must submit a final report of its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee by December 31, 2007. The task force will

- . study the feasibility of developing senior care facilities in Baltimore City;
- . investigate the use of tax credits to provide incentives for the private sector to develop senior care facilities; and investigate the use of Medicaid or Medicare funding for health care services needed by seniors at senior care facilities.

Effective Date: July 1, 2007 through June 30, 2008

HB 970 Rosewood Center - Plans for Services to Residents

Requires the Department of Health and Mental Hygiene (DHMH) to develop a plan for providing services to Rosewood Center residents in the most integrated settings appropriate to their needs. DHMH must report on the plan to the Governor and the Senate Finance Committee and the House Health and Government Operations Committee by December 31, 2007. In conjunction with the Maryland Department of Planning, the plan must discuss alternative uses for the Rosewood Center property and must:

- consider the need for open space in the area and involving local residents in determining the property's most appropriate use.
- identify the total cost of implementing the recommendations;
- potential funding sources to support the total cost;
- any implementation obstacles; and
- a proposed implementation schedule.

Effective Date: June 1, 2007

SB 611/HB 605 Statewide Empowerment Zones for Seniors Commission

Establishes the Statewide Empowerment Zone for Seniors Commission to recommend a plan to develop an empowerment zones for seniors program in Maryland that directs financial and regulatory incentives to local communities that develop a qualifying comprehensive empowerment zones for seniors plan to enhance aging-in-place services and facilitate the personal independence and civic and social engagement of seniors in the community. The Secretary of Planning or the Secretary's designee is required to serve on the commission.

The commission must recommend State incentives to provide to a community that submits a qualifying comprehensive empowerment zones for seniors plan, including regulatory and funding options. An interim report is due by January 1, 2008 and a final report by January 1, 2009. In addition to these requirements, a qualifying plan must:

- be developed and implemented jointly by stakeholders in a community, including the State and local governments, senior housing owners or managers, health providers, nonprofit elderly services providers, local businesses, and individual seniors;
- include affordable, accessible, and appropriate housing;
- include supportive community features and services;
- provide adequate mobility options;
- include evidence-based prevention strategies to reduce the incidence of disease and injury and to help individuals with functional disability or chronic illness to manage their conditions; and
- promote successful aging by facilitating personal independence and engaging residents in civic and social life.

Effective Date: October 1, 2007. Terminates September 30, 2009

SB 784/HB 786 Stormwater Management Act of 2007

Requires the Maryland Department of the Environment (MDE) to establish regulations and a model ordinance regarding the use of "environmental site design" (ESD) in stormwater management practices. The bill also modifies existing regulatory requirements of MDE with respect to stormwater management. The bill also requires MDE, by December 1, 2007, to evaluate options for a stormwater management fee system and fee schedule necessary to improve enforcement of stormwater management laws and report its findings to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee.

MDE's regulations must establish local regulations and a model ordinance that require:

- the implementation of ESD to the maximum extent practicable;
- the review and modification (if necessary) of planning and zoning or public works ordinances to remove impediments to ESD implementation; and
- a developer to demonstrate that ESD has been implemented to the maximum extent practicable;

The regulations must also specify that all stormwater management plans meet several requirements specified in the bill; and require that a comprehensive process be established for approving grading and sediment control plans and stormwater management plans that takes into account the cumulative impact of both plans.

During the creation of the regulations and model ordinance required by the bill, MDE must seek the input of interested parties, including each county and municipality that operates a stormwater management program and to work with them and other interested parties to address reasonable concerns. *Effective Date: October 1, 2007*

HB 893 Bay Restoration Fund - Wastewater Treatment Upgrades-Reporting Requirements

Requires the Maryland Department of the Environment (MDE) and the Maryland Department of Planning (MDP), beginning January 1, 2009, and every year thereafter, to submit a joint annual report on the impact on growth within a municipality or county in which the wastewater treatment facility is located that was upgraded to enhanced nutrient removal (ENR) during the previous calendar year with funds from the Bay Restoration Fund.

MDE and MDP must include the number of permits issued for residential and commercial development to be served by the upgraded wastewater treatment facility. The departments must also determine what other appropriate information is to be included in the report and consult with the Bay Restoration Fund Advisory Committee and with the municipality and county in which an upgraded facility is located. The joint report must be submitted to the Governor, the President, the Speaker, the Senate Budget and Taxation Committee, the Senate Education, Health and Environmental Affairs Committee, the House Appropriations Committee, and the House Environmental Matters Committee. *Effective Date: October 1, 2007*