

UNOFFICIAL COPY OF HOUSE BILL 1364

HOUSE BILL 1364

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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 Council 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 adequate
14 funding for the People's Counsel; authorizing the Montgomery County Council to remove an individual
appointed as the People's Counsel under certain circumstances; and generally relating to the
15 Maryland-National Capital Park and
16 Planning Commission and the Montgomery County People's Counsel for Land Use
17 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

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1 Article - Land Use
2 Section 24-401 to be under the new subtitle "Subtitle 4. People's Counsel for Land
3 Use Planning"
4 Annotated Code of Maryland
5 (2012 Volume and 2023 Supplement)

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

8 **Article - Land Use**

9 18-103.

10 The budgets shall contain:

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

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

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

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

18 (ii) the regional planning program; [and]

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

21 **(5) FOR MONTGOMERY COUNTY, ADEQUATE FUNDING FOR THE**
22 **PEOPLE'S COUNSEL FOR LAND USE PLANNING IN ACCORDANCE WITH § 24-401 OF**
23 **THIS ARTICLE.**

24 24-101.

25 This title applies only in Montgomery County.

26 **SUBTITLE 4. PEOPLE'S COUNSEL FOR LAND USE PLANNING.**

27 **24-401.**

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

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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~~ COUNTY COUNCIL SHALL APPOINT A PEOPLE'S COUNSEL
6 FOR 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 WHO HAS SUBSTANTIAL EXPERIENCE WITH LAND USE
PROCEDURES.~~

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.~~

(1) IN ACCORDANCE WITH THE ACTION PLAN SPECIFIED IN THE COUNTY
RACIAL EQUITY AND SOCIAL JUSTICE ACT, FOCUS ON SERVING POPULATIONS THAT HAVE
BEEN TRADITIONALLY UNDERREPRESENTED, INCLUDING:

(I) LOW-INCOME RESIDENTS;

(II) RENTERS;

(III) RESIDENTS WITH DISABILITIES; AND

(IV) RESIDENTS WHO SPEAK A LANGUAGE OTHER THAN ENGLISH IN
THE HOME;

(2) BE AN INDEPENDENT SOURCE OF INFORMATION TO EDUCATE
RESIDENTS ON LAND USE PLANNING AND THE DEVELOPMENT REVIEW PROCESS,
INCLUDING:

(I) PROVIDING INFORMATION AND TECHNICAL ASSISTANCE ON LAND
USE AND ZONING TOPICS AND PROCESSES;

(II) PROVIDING GUIDANCE ON EFFECTIVE PARTICIPATION IN THE
COUNTY LAND USE PROCESS; AND

(III) CONDUCTING PROACTIVE OUTREACH TO RESIDENTS OF THE
COUNTY;

(3) IF REQUESTED BY PRINCIPAL PARTIES, ASSIST AND FACILITATE
IMPLEMENTATION OF COMMUNITY LIAISON COMMUNITIES;

(4) PREPARE AND WIDELY DISTRIBUTE INFORMATION THROUGH
APPROPRIATE METHODS;

(5) RESPOND TO INQUIRIES FROM COUNTY RESIDENTS; AND

(6) PROACTIVELY MEET WITH RESIDENTS AND COMMUNITY GROUPS

20 **(D) THE PEOPLE'S COUNSEL MAY NOT :**

(1) REPRESENT A PRIVATE INDIVIDUAL

21 **OR INTEREST GROUP IN ANY LEGAL OR ADMINISTRATIVE PROCEEDING ;**

(2) REPRESENT ANY PARTY IN ANY PROCEEDING INVOLVING ZONING OR LAND USE IN THE COUNTY WITHIN 1 YEAR AFTER SERVING AS PEOPLE'S COUNSEL; OR

(3) GIVE TESTIMONY IN A PROCEEDING BEFORE A PUBLIC BODY EITHER AS A REPRESENTATIVE OR IN AN INDIVIDUAL CAPACITY.

22 **(E) THE PEOPLE'S COUNSEL SHALL PROVIDE AN ANNUAL REPORT TO THE COUNTY COUNCIL ON THE ACTIVITIES OF THE PEOPLE'S COUNSEL. ~~(1) THE COMMISSION SHALL INCLUDE IN ITS ANNUAL OPERATING BUDGET PROPOSAL ADEQUATE FUNDING FOR THE PEOPLE'S COUNSEL.~~**

24 **~~(F)~~ (F) THE COUNTY COUNCIL SHALL APPROVE ADEQUATE FUNDING FOR THE**

25 **PEOPLE'S COUNSEL AS PROVIDED FOR IN THE COMMISSION'S BUDGET PROPOSAL.**

(G) THE COUNTY COUNCIL MAY REMOVE AN INDIVIDUAL APPOINTED TO SERVE AS THE PEOPLE'S COUNSEL FOR GOOD CAUSE BY AN AFFIRMATIVE VOTE OF SIX COUNCILMEMBERS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

27 ~~October~~ July 1, 2024.