



House Bill 51

Zoning - Environmental Justice Considerations

MACo Position: **OPPOSE**

To: Environment and Transportation
Committee

Date: January 20, 2021

From: Alex Butler

The Maryland Association of Counties (MACo) **OPPOSES** HB 51. This bill creates major, and troubling, new charges on State authority over local land use decision-making. HB 51 substitutes the judgment of State officials for the residents and representatives of the directly affected community.

The bill has multiple provisions – both in statute and uncodified – that establish and envision a major new role for State government in overseeing and guiding land use decisions, which for decades in Maryland have been community-guided through local planning processes. The bill would make local jurisdictions require landfill permit applicants in residentially zoned areas obtain an environmental justice review. The bill also directs the Commission on Environmental Justice and Sustainable Communities to make recommendations regarding “increased State oversight” in local zoning decisions that present an environmental justice concern.

Land use decision-making is historically, and properly, a primary county government responsibility, and the bill would unnecessarily infringe on local autonomy. Counties already have the authority to require reviews prior to approving landfill special exception permits. Several jurisdictions explicitly prohibit landfills in residentially zoned areas, responding to resident preferences. In reaching decisions on land use, counties take into account many considerations including the effects the proposed activity would have on the property, adjacent properties, the community, local infrastructure, environmental justice, and the history of the region.

An already existing charge of the Commission is to “assess the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities.” HB 51 unreasonably extends the Commission’s responsibilities, places a very specifically prescribed outcome among its charges, and is in direct conflict with how local land use decisions are best achieved. Accordingly, MACo requests an **UNFAVORABLE** report on HB 51.