



House Bill 1141

Building Performance Standards – Agricultural Buildings Used for Agritourism - Exemption

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation Committee

Date: February 28, 2018

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1141 **WITH AMENDMENTS**. The bill would address an existing agritourism exemption under the Maryland Building Performance Standards (MBPS) and how it applies to counties.

HB 1141 would expand an exemption from the MBPS for the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use. Currently, the exemption applies to 11 counties: Calvert, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Prince George's, St. Mary's, Somerset, and Talbot. The bill would expand the exemption to cover all remaining counties.

MACo believes that deciding whether or not to be subject to the exemption should be left to each county governing body. While it is MACo's understanding that the bill sponsor intends that the application of the exemption be optional for the counties not currently subject to the exemption, the bill's provisions do not clearly specify how a county should make the choice.

Therefore, MACo supports a clarifying amendment to the bill that would create an explicit "opt-in" provision by allowing a local legislative body of a county to decide whether or not the exemption should apply within its jurisdiction. This allows counties that want the exemption to have it while those counties that do not want it are held harmless.

HB 1141 seeks to address the application of an agritourism exemption that is desired by some, but not all counties. MACo believes that with the included amendments, the bill can achieve this goal. Accordingly, MACo requests the Committee give HB 1141 a report of **FAVORABLE WITH AMENDMENTS**.

MACo AMENDMENTS TO HB 1141

On page 1, in line 21, strike the bracket; strike "to" and substitute "**TO: (1)**".

On page 2, in line 2, after the fourth "County" insert: "**OR;**

(2) A COUNTY WHERE THE LOCAL LEGISLATIVE BODY HAS APPROVED THE APPLICATION OF THIS SECTION TO THE COUNTY".

(The rest of the § 12-50 needs to be reverted to its current numbering.)