



House Bill 1390

*Land Use — Development Rights and Responsibilities Agreements —
Enhanced Public Benefits*

MACo Position: **SUPPORT**

To: Education, Health, & Environmental Affairs
Committee

Date: March 27, 2018

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1390 as amended. The bill would clarify the contents of developer rights and responsibilities agreements (DRRAs).

DRRAs are typically negotiated between a local government and a developer. They serve a useful purpose by ensuring development rights for a project in exchange for public benefits or concessions from a developer.

As amended, HB 1390 would require a DRRA to include a description of the “enhanced public benefit” that supports the agreement and the proposed development of the real property. The bill defines “enhanced public benefit” as an improvement that benefits the public and exceeds the improvements a person would be required to provide under local planning, zoning, and environmental laws.

Examples of enhanced public benefits include: (1) parklands, open space, and afforestation; (2) multimodal transportation facilities; (3) traffic safety improvements; (4) infrastructure; (5) stormwater management; (6) stream restoration; (7) public school facilities; (8) affordable housing; and (9) public safety facilities.

The amended bill would provide more clarity and specificity regarding the public benefits that a local jurisdiction would receive under a DRRA. This ensures that a DRRA has value both to the local jurisdiction and its residents.

HB 1390 better defines the enhanced public benefits that should be included in a DRRA, providing greater clarity to local governments, developers, and residents. Accordingly, MACo requests the Committee give HB 1390 a **FAVORABLE** report.