



House Bill 1458

District Court – County Zoning Violations - Appeals

MACo Position: **SUPPORT**

Date: March 7, 2018

To: Judiciary Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1458. The bill provides a needed clarification regarding the rights of appeal for local zoning violation cases.

HB 1458 authorizes an appeal by a county or a defendant from a final judgment of the District Court in a local zoning violation case. The bill addresses a problem between the interaction of § 11-202 of the Land Use Article, which authorizes a county to provide for and enforce a civil penalty for a zoning violation, and § 12-401 of the Courts and Judicial Proceedings Article, which outlines District Court appeal processes for municipal infractions.

Section 12-401 does not expressly reference § 11-202 as it does with other code sections dealing with municipal infractions, leading to ambiguity about whether zoning violation decisions can be appealed from District Court to circuit court.

MACo believes that it is the intention of both the General Assembly and local governments that zoning violations be treated as any other local civil violation, with either party having the right to appeal. Otherwise, zoning violations become an oddly unique class of cases where the District Court is the final arbiter. HB 1458 corrects what MACo believes to be an oversight in the current law.

HB 1458 provides a needed clarification to existing law regarding the rights of appeal of both counties and defendants in local civil penalty zoning violation cases. Accordingly, MACo requests the Committee give HB 1458 a **FAVORABLE** report.