



Senate Bill 421

Counties – Historic Preservation – Development Limitation

MACo Position: **OPPOSE**

To: Education, Health, and Environmental Affairs
Committee

Date: March 14, 2017

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** SB 421. The bill would infringe on local land use authority and create land use challenges for counties and municipalities throughout the state.

SB 421 would impose a series of onerous requirements to property located in a charter or code home rule county that seeks to redevelop or improve but is adjacent to certain “religious property,” defined in the bill as having been continuously operated by a religious institution since at least the 18th century. For such properties, an improvement to the property may only be authorized if:

- (1) there is at least a 600-foot buffer between the adjacent property and the religious property;
- (2) all capital projects approved by the county for the Consolidated Transportation Plan proximate to the adjacent property have been completed;
- (3) if the adjacent property is within or adjacent to a municipality, the municipality and the State Highway Administration (if applicable) have approved the improvement;
- (4) the adjacent property owner enters into a covenant with the owner of a religious property to allow any bells or chimes on the religious property to ring in perpetuity in the same manner as they have previously rung; and
- (5) the adjacent property owner is financially responsible for any improvement that the religious property must make based on the improvements to the adjacent property.

While MACo appreciates the bill sponsor’s concerns over a limited class of religious buildings, the requirements of SB 421 apply to all 17 charter and code home rule counties and may hamper long-term land use plans in those jurisdictions.

Based on a quick review, Montgomery County identified at least 7 sites meeting the bill’s criteria for religious property – suggesting there may be scores of similarly situated properties across the state. Baltimore City and other densely developed urban areas likely cannot comply with the bill’s 600-foot buffer for their qualifying religious properties.

SB 421 seeks to address concerns over a narrow class of developments but the bill’s provisions pose county land use challenges and potentially unanticipated consequences throughout the state. The bill’s intended remedy is both overbroad and unnecessarily infringes on local land use autonomy. Accordingly, MACo urges the Committee to give SB 421 an **UNFAVORABLE** report.