

HOUSE BILL 1152

L2

4lr0877

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 7, 2024
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County District Council – Community Benefits Agreements –**
3 **Authorization**
4 **(Community Empowerment Act)**

5 **PG/MC 107–24**

6 FOR the purpose of authorizing the Prince George's County district council to require that
7 a developer negotiate and enter into a community benefits agreement under certain
8 circumstances; requiring the district council to enforce a certain community benefits
9 agreement; requiring the Prince George's County People's Zoning Counsel to
10 represent certain community members in a dispute over a community benefits
11 agreement; and generally relating to community benefits agreements in Prince
12 George's County.

13 BY adding to
14 Article – Land Use
15 Section 25–214
16 Annotated Code of Maryland
17 (2012 Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Land Use**

21 **25–214.**

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “COMMUNITY BENEFITS AGREEMENT” MEANS AN AGREEMENT BY**
2 **A DEVELOPER TO PROVIDE SPECIFIED BENEFITS OR CONCESSIONS TO THE**
3 **COMMUNITY IN WHICH DEVELOPMENT IS TAKING PLACE COINCIDENT WITH THE**
4 **DEVELOPMENT OF THE PROPERTY.**

5 **(3) “IMPACT AREA” MEANS THE AREA WITHIN A 2-MILE RADIUS OF A**
6 **PROPOSED DEVELOPMENT SITE.**

7 **(B) (1) AS PART OF THE REVIEW OF A SITE PLAN OR DEVELOPMENT**
8 **PERMIT REQUIRED BY LAW, THE DISTRICT COUNCIL MAY REQUIRE THAT A**
9 **DEVELOPER NEGOTIATE AND ENTER INTO A WRITTEN COMMUNITY BENEFITS**
10 **AGREEMENT IF AT LEAST 25% OF THE RESIDENTS, LANDOWNERS, OR BUSINESSES**
11 **IN THE IMPACT AREA OPPOSE THE DEVELOPMENT.**

12 **(2) IF THE DISTRICT COUNCIL REQUIRES A COMMUNITY BENEFITS**
13 **AGREEMENT UNDER THIS SUBSECTION, THE DEVELOPER’S COMPLIANCE WITH THE**
14 **COMMUNITY BENEFITS AGREEMENT SHALL BE A CONDITION OF DEVELOPMENT**
15 **APPROVAL.**

16 **(C) (1) THE DISTRICT COUNCIL SHALL ENFORCE A COMMUNITY**
17 **BENEFITS AGREEMENT UNDER THIS SECTION.**

18 **(2) A PERSON MAY:**

19 **(I) BRING A CIVIL ACTION FOR DAMAGES AGAINST A**
20 **DEVELOPER FOR VIOLATING THE TERMS OF A COMMUNITY BENEFITS AGREEMENT;**
21 **AND**

22 **(II) RECOVER DAMAGES UP TO THREE TIMES THE AMOUNT OF**
23 **ACTUAL DAMAGES, REASONABLE ATTORNEY’S FEES, AND COURT COSTS UNDER THIS**
24 **SECTION.**

25 **(3) IN A DISPUTE OVER A COMMUNITY BENEFITS AGREEMENT, THE**
26 **PRINCE GEORGE’S COUNTY PEOPLE’S ZONING COUNSEL SHALL REPRESENT, IF**
27 **APPLICABLE, MEMBERS OF A COMMUNITY IMPACTED BY THE PROPOSED**
28 **DEVELOPMENT.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2024.