

# HOUSE BILL 949

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By: **Delegates Bobo, Carr, Lafferty, McIntosh, and S. Robinson**

Introduced and read first time: February 7, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **SmartStat Technical Assistance and Support Center**

3 FOR the purpose of establishing the SmartStat Technical Assistance and Support  
4 Center in the National Center for Smart Growth Research and Education at the  
5 University of Maryland, College Park; requiring the SmartStat Technical  
6 Assistance and Support Center to collect and organize certain data, publish the  
7 collected data on a certain Web site, and assist local jurisdictions in including  
8 certain measures and indicators in certain annual reports; requiring the  
9 Governor to include in the State budget for certain years a certain appropriation  
10 to support the SmartStat Technical Assistance and Support Center; requiring  
11 the SmartStat Technical Assistance and Support Center to report annually to  
12 the Governor, the Smart Growth Subcabinet, the Maryland Sustainable Growth  
13 Commission, and the General Assembly on the performance of smart growth in  
14 the State; and generally relating to the SmartStat Technical Assistance and  
15 Support Center.

16 BY repealing and reenacting, with amendments,  
17 Article – Land Use  
18 Section 1–208  
19 Annotated Code of Maryland  
20 (2012 Volume)

21 Preamble

22 WHEREAS, Chapters 178 and 179 of the Acts of the General Assembly of 2009  
23 required local jurisdictions to include measures and indicators of progress towards the  
24 implementation of smart growth in annual reports to the Department of Planning; and

25 WHEREAS, The requirements of Chapters 178 and 179 of the Acts of the  
26 General Assembly of 2009 impose financial and technical capacity burdens on local  
27 jurisdictions; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, It is possible to promote data consistency and realize economies of  
2 scale in the centralized collection, organization, and dissemination of smart growth  
3 measures and indicators; and

4 WHEREAS, The National Center for Smart Growth Research and Education  
5 at the University of Maryland, College Park has assembled considerable smart growth  
6 and land use data for the State; and

7 WHEREAS, The National Center for Smart Growth Research and Education is  
8 nationally recognized as a leader in the development of smart growth and  
9 sustainability indicators; and

10 WHEREAS, Establishing a SmartStat Technical Assistance and Support  
11 Center to build on the data resources and technical expertise of the staff of the  
12 National Center for Smart Growth Research and Education would assist local  
13 jurisdictions in fulfilling the reporting requirements under Chapters 178 and 179 of  
14 the Acts of the General Assembly of 2009; now, therefore,

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

17 **Article – Land Use**

18 1–208.

19 (a) In this section, “National Center” means the National Center for Smart  
20 Growth Research and Education at the University of Maryland, College Park.

21 (b) (1) The General Assembly finds that:

22 (i) in addition to reporting on past land use indicators and  
23 measures, local jurisdictions should strive to achieve future land use goals that  
24 implement and achieve the visions in § 1–201 of this subtitle;

25 (ii) a statewide land use goal that embodies the visions in §  
26 1–201 of this subtitle and smart and sustainable growth should be established;

27 (iii) the visions in § 1–201 of this subtitle will not be realized  
28 unless local jurisdictions set their own goal to make incremental progress towards  
29 achieving a statewide land use goal; and

30 (iv) resources are necessary to achieve a statewide goal,  
31 including funding for infrastructure inside the priority funding areas and land  
32 preservation outside the priority funding areas.

1           (2)   (i)    The statewide land use goal is to increase the current  
2 percentage of growth inside the priority funding areas and to decrease the percentage  
3 of growth located outside the priority funding areas.

4                   (ii)   Local jurisdictions shall develop a percentage goal towards  
5 achieving the statewide goal.

6           (c)   (1)    Except as provided in paragraphs (2) and (3) of this subsection, the  
7 annual report required to be filed under § 1-207 of this subtitle shall include the  
8 following measures and indicators:

9                   (i)    the amount, share, and net density of growth inside and  
10 outside the priority funding areas;

11                   (ii)   the creation of new lots and the issuance of residential and  
12 commercial building permits inside and outside the priority funding areas;

13                   (iii)   the development capacity analysis, updated every 3 years  
14 and whenever there is a significant change in zoning or land use patterns;

15                   (iv)   the number of acres preserved using local agricultural land  
16 preservation funding, if applicable; and

17                   (v)    the following information on achieving the statewide goal  
18 stated in subsection (b)(2) of this section:

19                           1.    the local goal;

20                           2.    the time frame for achieving the local goal;

21                           3.    the resources necessary for infrastructure inside the  
22 priority funding areas and land preservation outside the priority funding areas; and

23                           4.    any incremental progress made towards achieving the  
24 local goal.

25           (2)    If all land within the boundaries of a municipal corporation is a  
26 priority funding area, the municipal corporation need not:

27                   (i)    establish a local goal for achieving the statewide goal stated  
28 in subsection (b)(2) of this section; or

29                   (ii)   include information in the annual report on a local goal as  
30 required in paragraph (1)(v) of this subsection.

31           (3)    A county or municipal corporation that issues fewer than 50  
32 building permits for new residential units each year:

1 (i) need not include information in the annual report on  
2 measures and indicators listed in paragraph (1) of this subsection; but

3 (ii) shall provide documentation to the Department of Planning  
4 each year that fewer than 50 building permits for new residential units are issued.

5 **(D) (1) THERE IS A SMARTSTAT TECHNICAL ASSISTANCE AND**  
6 **SUPPORT CENTER IN THE NATIONAL CENTER.**

7 **(2) THE SMARTSTAT TECHNICAL ASSISTANCE AND SUPPORT**  
8 **CENTER SHALL:**

9 **(I) COLLECT AND ORGANIZE DATA FROM THE STATE,**  
10 **LOCAL JURISDICTIONS, AND THE PRIVATE SECTOR;**

11 **(II) PUBLISH THE COLLECTED DATA ON A WEB SITE THAT IS**  
12 **LINKED TO THE DATA CENTER ON THE DEPARTMENT OF PLANNING WEB SITE**  
13 **AND ON THE BAYSTAT PROGRAM WEB SITE; AND**

14 **(III) ASSIST LOCAL JURISDICTIONS IN INCLUDING THE**  
15 **MEASURES AND INDICATORS REQUIRED UNDER SUBSECTION (C) OF THIS**  
16 **SECTION IN THE ANNUAL REPORTS REQUIRED UNDER § 1-207 OF THIS**  
17 **SUBTITLE.**

18 **(3) FOR FISCAL YEAR 2015 AND EACH FISCAL YEAR THEREAFTER,**  
19 **THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION OF**  
20 **\$150,000 TO THE UNIVERSITY OF MARYLAND, COLLEGE PARK TO SUPPORT**  
21 **THE SMARTSTAT TECHNICAL ASSISTANCE AND SUPPORT CENTER.**

22 **(4) THE SMARTSTAT TECHNICAL ASSISTANCE AND SUPPORT**  
23 **CENTER SHALL REPORT ANNUALLY TO THE GOVERNOR, THE SMART GROWTH**  
24 **SUBCABINET, THE MARYLAND SUSTAINABLE GROWTH COMMISSION AND, IN**  
25 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**  
26 **GENERAL ASSEMBLY ON THE PERFORMANCE OF SMART GROWTH IN THE STATE.**

27 **[(d)] (E) (1)** In accordance with Title 2, Subtitle 5 and Title 10, Subtitle 1  
28 of the State Government Article, the Department of Planning may adopt regulations to  
29 detail how the measures and indicators required under subsection (c) of this section  
30 are submitted and transmitted in the annual report of each local jurisdiction.

31 (2) The Department of Planning shall:

1 (i) develop measures and indicators that will be collected by the  
2 Department; and

3 (ii) consider which measures or indicators may be collected by  
4 the [National Center] **SMARTSTAT TECHNICAL ASSISTANCE AND SUPPORT**  
5 **CENTER.**

6 [(e)] (F) On or before January 1 of each year, the Department of Planning,  
7 in consultation with the National Center, shall submit a report to the Governor and, in  
8 accordance with § 2-1246 of the State Government Article, to the General Assembly  
9 on the measures and indicators collected under this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2013.