



THE MARYLAND HOUSE OF DELEGATES
ENVIRONMENT AND TRANSPORTATION COMMITTEE

February 10, 2017

Attorney General Brian Frosh
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202

Dear Attorney General Frosh:

As Chairman of the House of Delegates Environment and Transportation Committee, I respectfully request a formal Opinion of the Attorney General on the enforceability of Chapter 149 of 2012 (Sustainable Growth and Agricultural Preservation Act).

Chapter 149 of 2012 established four growth tiers based on specified land use characteristics, which may be adopted by local jurisdictions. Beginning December 31, 2012, a jurisdiction may not authorize a residential major subdivision served by on-site sewage disposal systems, community sewerage systems, or shared systems unless it adopts growth tiers consistent with Chapter 149. A jurisdiction that does not adopt a growth tier may authorize either a residential minor subdivision served by on-site sewage disposal systems, or any subdivision in a "Tier I" area served by "public sewer." Chapter 149 established land use and sewerage criteria and restrictions applicable to each of the four tiers.

It is my understanding that the growth tier maps adopted by Cecil County do not meet the mapping criteria specified under Chapter 149. Do the provisions under Chapter 149 or any other State law compel the State to enforce violations of Chapter 149? Is a county with a noncompliant growth tier map limited to authorizing either residential minor subdivisions served by on-site sewage disposal systems or subdivisions in a Tier I area served by public sewer? In other words, would a county with a noncompliant growth tier map be prohibited from approving residential major subdivisions served by on-site sewage disposal systems, community sewerage systems, or shared systems until it adopts a growth tier map that complies with the mapping criteria specified under Chapter 149?

Sincerely,

A handwritten signature in blue ink, appearing to read "Kumar P. Barve", written over a horizontal line.

Kumar P. Barve