

Department of Legislative Services

Maryland General Assembly

2025 Session

FISCAL AND POLICY NOTE

Enrolled - Revised

House Bill 1470

(Montgomery County Delegation and Prince George's
County Delegation)

Environment and Transportation

Education, Energy, and the Environment

**Prince George's County - Chesapeake and Atlantic Coastal Bays Critical Area
Protection Program - Cutting or Clearing Trees
MC/PG 113-25**

This bill – under provisions that apply only in Prince George’s County and to real property of less than five acres that is not zoned for commercial use – (1) requires the Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE) to record a specified lien within 90 days after issuing a notice of violation for unauthorized cutting or clearing of trees in the Chesapeake and Atlantic Coastal Bays Critical Area and (2) establishes that a lien recorded in such a manner is required in order to hold a current property owner liable for a violation by a previous owner. The bill applies retroactively with respect to a specified violation occurring on or before November 7, 2018, where the current property owner purchased the property in good faith after the previous owner’s violation, and requires (1) any administrative enforcement actions for the violation to be vacated and (2) Prince George’s County to reimburse the current property owner for all costs and fees associated with such enforcement actions. **The bill terminates September 30, 2027.**

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: Prince George’s County expenditures are expected to increase by approximately \$40,000 in FY 2026 only. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal overall.

Analysis

Bill Summary: The bill, under provisions that apply only in Prince George's County and only to real property consisting of a parcel of land of less than five acres that is not zoned for commercial use:

- requires DPIE, when a person has cut or cleared trees in the Critical Area in violation of an approved local critical area program or Critical Area Commission (CAC) regulations, to record a lien on the property that is the subject of the violation within 90 days after issuing notice of the violation to the property owner;
- establishes that a properly recorded lien (recorded within 90 days of issuing notice of the violation) is required to enforce and hold a current property owner liable for the cutting or clearing of trees by a previous property owner or user who performed the act that caused the violation; and
- establishes that, if a lien is not recorded as required, the local jurisdiction (1) may pursue an enforcement action against only the previous owner or user that performed the act that caused the violation; (2) may not seek remedies against the current property owner; (3) must perform any required restoration or mitigation that is not performed by the previous owner or user; and (4) may enter the property that is the subject of the violation, in accordance with specified existing law, for restoration or mitigation purposes.

Under uncoded provisions, the bill establishes that:

- the bill must be construed to apply retroactively and must be applied to and interpreted to affect a violation in Prince George's County occurring on or before November 7, 2018, but only with respect to a violation imposed on a current property owner who in good faith purchases the property that is the subject of the violation after a previous property owner or user committed the act that caused the violation and was cited for the violation;
- the Prince George's County government must vacate any administrative enforcement actions taken for such a violation, including the release of a lien recorded on the property that is the subject of the violation; and
- the Prince George's County government must reimburse a current property owner for all costs and fees associated with any administrative enforcement actions taken for such a violation, including civil penalties, bonds, reforestation costs, fees for attorneys, engineers, foresters, and landscape architects, and any other costs and fees.

Current Law:

Cutting or Clearing Trees in Violation of a Local Program or Commission Regulations

If a person cuts or clears, or plans to cut or clear, trees within the Critical Area in violation of an approved local critical area program or regulations adopted by CAC, the CAC chair may bring an action, or the local jurisdiction may bring an action or request that the chair refer the matter to the Attorney General to bring an action:

- to require the person to replant trees where the cutting or clearing occurred, in accordance with a plan prepared by the State Forester, a registered professional forester, or a registered landscape architect;
- to restrain the planned violation; or
- for damages, assessed by a circuit court in an amount equal to the estimated cost of replanting trees and paid to the Department of Natural Resources (DNR).

The Prince George's County Code requires DPIE to enforce the provisions of the county's critical area program.

Critical Area Program, In General

Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program (now the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program) to minimize damage to water quality and wildlife habitat by fostering more sensitive development activity along the shoreline areas of the Chesapeake Bay and its tributaries. The goals of the program now are applicable to both the Chesapeake Bay and the Atlantic Coastal Bays and include (1) protection of water quality; (2) conservation of habitat; (3) accommodation of future growth and development without adverse environmental impacts; (4) improvement of climate resiliency; and (5) equitable distribution of the burdens and benefits of development, mitigation, restoration, conservation, and climate change adaptation within the Critical Area.

Chapter 794 identified the Critical Area as all land within 1,000 feet of the mean high water line of tidal waters or the landward edge of tidal wetlands and all waters of and lands under the Chesapeake Bay and its tributaries. In 2002, the Critical Area was expanded to include the State's coastal bays, and, in 2024, the program was modified to incorporate climate resilience, environmental justice, and equity measures. The 1984 legislation also created CAC within DNR, which oversees the development and implementation of local land use programs dealing with the Critical Area. Each local jurisdiction is charged with the primary responsibility for development and implementation of its own local program; that local authority, however, is subject to commission review and approval and must be consistent with the commission's regulations.

Local Expenditures: Prince George’s County expenditures are expected to increase by approximately \$40,000 in fiscal 2026 only, to, as required under the uncodified provisions of the bill, reimburse a current property owner for all costs and fees associated with specified administrative enforcement actions taken for a previous owner’s violation.

This estimate is based on available information indicating that the bill’s uncodified provisions appear to apply to only one property and that the property owners, as of March 2025, had incurred costs totaling close to \$40,000 associated with administrative enforcement actions relating to the previous owner’s cutting or clearing of trees.

The estimate assumes:

- additional costs are not incurred by the property owners between March 2025 and the bill’s October 1, 2025 effective date;
- beginning on the bill’s effective date, for future relevant enforcement actions, DPIE, as required by the bill, records a lien on any property that is the subject of a violation, within 90 days after issuing notice of the violation to the property owner and, therefore, is not responsible for any required restoration or mitigation not performed by a previous owner or user; and
- with respect to the bill’s retroactive application, the county is also not required to perform any required restoration or mitigation that is not performed by the previous owner or user, since the condition for that responsibility is that a lien is not recorded *as required* (under the bill), and there is no recordation requirement prior to the bill’s effective date (and there was not a recordation requirement at the time of a violation on or before November 7, 2018).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George’s County; Maryland-National Capital Park and Planning Commission; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Natural Resources; Department of Legislative Services

Fiscal Note History:

caw/sdk

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Analysis by: Beatrice F. Amoateng

Direct Inquiries to:

(410) 946-5510

(301) 970-5510