

CONSTRUED TO REQUIRE A LOCAL JURISDICTION TO CONSIDER AN ADDITIONAL DWELLING UNIT AS PART OF A PRIMARY DWELLING UNIT FOR THE PURPOSE OF THE DENSITY CALCULATION UNDER THIS SUBSECTION.

(III) AN ADDITIONAL DWELLING UNIT MEETING ALL THE CRITERIA UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS SEPARATE FROM THE PRIMARY DWELLING UNIT MAY NOT BE SUBDIVIDED OR CONVEYED SEPARATELY FROM THE PRIMARY DWELLING UNIT.

(3) (I) EACH LOCAL JURISDICTION SHALL:

1. MAINTAIN RECORDS OF ALL BUILDING PERMITS ISSUED UNDER THIS SUBSECTION FOR ADDITIONAL DWELLING UNITS CONSIDERED PART OF A PRIMARY DWELLING UNIT; AND

2. PROVIDE THIS INFORMATION ON A QUARTERLY BASIS TO THE COMMISSION.

(II) BEGINNING ON NOVEMBER 1, 2004 AND ANNUALLY THEREAFTER, THE COMMISSION SHALL REPORT, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, AND THE JOINT COMMITTEE ON THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA REGARDING THE CONSTRUCTION OF ADDITIONAL DWELLING UNITS CONSIDERED PART OF A PRIMARY DWELLING UNIT UNDER THIS SUBSECTION.

(4) THE PROVISIONS OF THIS SUBSECTION:

(I) APPLY TO DENSITY CALCULATIONS ONLY; AND

(II) MAY NOT BE CONSTRUED TO AUTHORIZE A LOCAL JURISDICTION TO GRANT A VARIANCE, UNLESS THE VARIANCE IS GRANTED IN ACCORDANCE WITH THE REQUIREMENTS OF § 8-1808(D) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any dwelling unit in existence or for which all necessary permits for construction had been issued before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2004.

May 26, 2004

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, MD 21401

Dear Mr. President: