

Code Home Rule vs. Commissioner vs. Charter

ISSUE	CODE HOME RULE	COMMISSIONER	CHARTER
Structure of Government	Commissioners determine structure through local enactments. County Commissioner title retained. First authorized in 1966 – Article XI-F of the Maryland Constitution.	Specified in State law. General Assembly may determine through legislation. First authorized in 1827.	Determined by the charter. Nine of the eleven charter counties have an elected executive and elected county council. Baltimore City, considered a county for most purposes under state laws, has a mayor and council. The remaining two counties have an elected council that retains both executive and legislative power. First authorized in 1915 by Article XI-A of the Maryland Constitution.
Public Local Laws	Commissioners can enact, amend, or repeal local laws on a wide array of matters. Most powers granted Charter counties also granted to Code counties. General Assembly may still enact public local laws covering an entire class of Code counties, but not for one single Code county.	Commissioner authority limited. General Assembly has full power to legislate for County. Commissioners may enact ordinances where authorized by Express Powers enabling legislation, or specific public local laws.	Broad legislative power vested in county council – General Assembly may enact laws for a single charter county in a subject not contained in their Express Powers.



2023 Newly Elected Officials Orientation

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Bonding Authority	Commissioners authorize. No statutory maximum, but General Assembly may establish a limit. Subject to local referendum if petitioned by 10% of the voters.	General Assembly must specifically authorize. No statutory limitation.	Charter must authorize issuance of general obligation debt and controls whether or not debt needs to go to public referendum. Debt may not exceed 15% of assessable base. See Maryland Code, Local Government § 10-203.
Tax caps	Commissioners may not enact. General Assembly may, however, enact a tax cap for a Code county.	General Assembly may establish.	May be enacted by Charter Amendment. State law provides special provisions for education funding, beyond the effect of such locally-enacted tax limitations.
Referenda	All legislation subject to referendum if petition is filed with Board of Election Supervisors by 10% of registered voters.	Public local laws subject to referendum if petitioned to Secretary of State by 10% of registered voters. General Assembly may enact public local laws contingent on approval at referendum.	May pass any ordinance that facilitates the amendment of the county charter by referendum of the voters of the county in accordance with Article XI-A, § 5 of the Maryland Constitution.



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Enact new taxes, license or franchise fees	General Assembly authorization required. Cannot create new taxes, license or franchise fees not authorized at time County gets Code Home Rule status.	General Assembly authorization required.	General Assembly authorizes except for Baltimore and Montgomery – have full taxing authority with some exceptions.
Tax credits	General Assembly authorization required.	General Assembly authorization required.	General Assembly authorization required – except Baltimore and Montgomery.
Impact fees	Commissioners may establish.	General Assembly authorization required.	General Assembly authorization required – except Baltimore City, Baltimore County, and Montgomery County.
Planning and Zoning Authority	Subject to State law.	Subject to State law. See Article 66B.	Subject to State law. See Land Use Article § 1-417
Declare/levy civil infractions/fines for enforcement of laws	Commissioners may enact subject to limitations	General Assembly must specifically authorize.	Authorized under MD Local Gov Code § 10-202 (2017)



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Excise Taxes	Commissioners may enact a school construction excise tax (up to \$750 per lot) if not already levying a development impact fee. May also enact an agricultural excise tax (up to \$750 per lot) for purchase of TDRs if county is not levying a development impact fee.	General Assembly must authorize.	General Assembly authorization required – except Baltimore and Montgomery.
Formality of legislative process/procedures	Formal. Annotated Code specifies precise format, maximum number of legislative sessions, public notification requirements; provisions for emergency bills, effective dates, publications of proposed bills, etc.	Informal - no provisions covering legislative days, emergency bills, publication of proposed bills.	As per county charter.
Number of Commissioners/Council Members, method of election, alternative form of board composition	Commissioners may determine through enactment of public local laws.	General Assembly determines.	As per county charter.



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Compensation	Commissioners may enact recommendation of a salary commission established by ordinance.	General Assembly sets compensation. Informal salary board may be established to make recommendations to General Assembly.	As per county charter.
Ability to establish separate police and corrections departments	Corrections Department or warden may be done through enactment by Commissioners of a public local law. Police department still requires General Assembly approval.	Required General Assembly approval.	As per county charter.