

A. The requirements of this regulation do not apply to development that a State agency or local agency proposes in the Critical Area if:

(1) As provided under COMAR 27.02.02, the development is:

(a) A State agency action that results in *minor* development [of local significance] on private lands or lands owned by a local jurisdiction; or

(b) A local agency action that results in *minor* development [of local significance] on private lands or lands owned by a local jurisdiction;

(2) The development is included in a general approval, as provided under COMAR 27.02.03 [or 27.02.05.02F]; or

(3) (text unchanged)

B. — D. (text unchanged)

.04 Categories of Applications [of Which the Commission Wishes to Receive Notification] to be Submitted to the Executive Director.

A. Developments, Subdivisions, and Site Plans Requiring Project Approval.

(1) The local approving authority shall [send copies of applications for all developments, subdivisions, and site plans] *electronically submit to the Executive Director each application for a development, subdivision, and site plan that is located wholly or partially within the [critical area] Critical Area*, except those specified in §A(2)[.] of this regulation.

(2) The following types of developments, subdivisions, and site plans are exempted from §A(1)[.] of this regulation, if the proposed development, subdivision, or site plan does not result in a physical disturbance to the buffer:

(a) The following developments, subdivisions, or site plans that would occur wholly or partially within [the IDAs] *an intensely developed area*:

(i) (text unchanged)

(ii) A structure which is necessary to a single family dwelling unit which may include[, but is not limited to,] a pool, garage, porch, shed, or tennis courts;

(iii) Development in which the land disturbance does not exceed 15,000 square feet; *and*

(iv) Subdivisions resulting in [10 lots or less,] *up to ten lots or [10 dwelling units or less] up to ten dwelling units*;

(b) The following developments, subdivisions, or site plans that would occur wholly or partially within [LDAs] *a limited development area*:

(i) Those listed in §A(2)(a)(i)—(iii)[.] of this regulation; *and*

(ii) A subdivision resulting in *up to* three lots [or less which] *that* does not affect the local jurisdiction's growth allocation; *and*

(c) Developments, [Subdivisions] *subdivisions*, or site plans occurring wholly or partially within [RCAs] *a resource conservation area* for which the land disturbance does not exceed 5,000 square feet.

B. [Rezoning, Including Floating Zones. The local approving authority shall submit a copy of all initial and subsequent applications for rezoning and floating zones that would occur wholly or partially within the critical area.

C. Special Exceptions, Conditional Uses, or Zoning Variances. The local approving authority shall submit a copy of all applications for special exceptions or conditional uses which allow industrial, commercial, institutional, nonresidential, or multifamily uses that would occur wholly or partially within an LDA or an RCA.

D. Variances. The local approving authority shall submit a copy of all applications for variances from the local critical area program.

E. Buffer Management Plans. The local approving authority shall submit a copy of the proposed major buffer management plan and the

approved major buffer management plan for those categories of applications in §A(1) of this regulation and for critical area variances.

F. Shore Erosion Control Plans. The local approving authority shall submit a copy of the approved buffer management plan in accordance with COMAR 26.24.04.01-3A(4) and COMAR 27.01.09.01-3B.

G. Major and Minor Solar Energy Generating Systems. The local approving authority shall submit a copy of any application for a major or a minor solar energy generating system that would occur wholly or partially in a limited development area and resource conservation area in accordance with COMAR 27.01.14 and COMAR 27.02.07, and a copy of the final approved application for a major solar energy generating system.] *Other Applications. The local approving authority shall electronically submit to the Executive Director:*

(1) *Each initial and subsequent application for a rezoning or a floating zone that would occur wholly or partially within the resource conservation area or would result in a change to the Critical Area land classification;*

(2) *Each application for a special exception or a conditional use that would allow industrial, commercial, institutional, nonresidential, or multifamily uses to be located wholly or partially within a limited development area or a resource conservation area;*

(3) *Each application for a variance from the local Critical Area program; and*

(4) *In accordance with COMAR 27.01.14 and COMAR 27.02.07, each application for a major or minor solar energy generating system that would be located wholly or partially in a limited development area or a resource conservation area.*

C. *Approvals. The local approving authority shall electronically submit to the Executive Director:*

(1) *Each final approval of a major solar energy generating system; and*

(2) *In accordance with COMAR 27.01.04.03 and 27.01.09.01-3, for each category of application under §A(1) of this regulation and for each Critical Area variance application;*

(a) *Each approved major buffer management plan; and*

(b) *As applicable, each approved Commission form entitled "Shoreline Stabilization Measure Buffer Management Plan."*

ERIK FISHER

Chair

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 08 PROPERTY AND CASUALTY INSURANCE

31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage

Authority: Insurance Article, §§2-109, 27-601.2, 27-613 and 27-614,
Annotated Code of Maryland

Notice of Proposed Action

[24-147-P]

The Acting Insurance Commissioner proposes to amend Regulations .04, .05, .07, and .08 under COMAR 31.08.03 Notices of

Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage.

Baltimore, Maryland 21202
Fax Number 410-468-2307

Statement of Purpose

The purpose of this action is to amend **COMAR 31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage** to align requirements under **COMAR Title 31.08.03** and requirements under the Insurance Article that pertain to the delivery of certain notices (notices of cancellation, nonrenewal, reduction of coverage, and premium increase) to policyholders and the processes that policyholders must follow to protest actions proposed in such notices. More specifically, the regulation specifies how a carrier may deliver these notices via electronic means and better clarifies when an insured must sign a protested notice in order for it to be considered duly filed.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jessica Blackmon, Administrative Law Clerk, Maryland Insurance Administration, 200 St Paul Place Suite 2700 Baltimore, MD 21202, or call 410-468-2019, or email to insurancereview.mia@maryland.gov. Comments will be accepted through December 2, 2024. A public hearing has not been scheduled.

.04 Procedure and Requirements Regarding Cancellation or Nonrenewal.

A notice of cancellation or nonrenewal sent by an insurer to its insured in accordance with Insurance Article, §§ 27-601.2 and 27-613, Annotated Code of Maryland, shall be sent by certified mail, *delivered to an electronic mail address at which the insured has consented to receive mail, or posted to an electronic network with a separate notice to the insured directed to the electronic mail address at which the insured has consented to receive notice of the posting.* [and shall, in] *In addition to the [statutory] information required [in the notice of cancellation or nonrenewal] under §27-613, the notice shall include the following on the first page of the notice in 12-point bold type:*

IMPORTANT "Right of Protest"

The "Right of Protest" does not apply to cancellation or nonrenewal due to nonpayment of premium.

You may protest the action proposed by this notice as provided under Insurance Article, § 27-613, Annotated Code of Maryland *by mail, facsimile, or electronically to the Insurance Commissioner. You must file your protest within thirty (30) days after this notice was sent to you in order for your protest to be considered by the Insurance Commissioner.* [For your protest to be duly filed] *If you send your protest by mail or facsimile you, the named insured, must sign a copy of this notice and send it to:*

Insurance Commissioner

Maryland Insurance Administration
200 St. Paul Place
Suite 2700

[within thirty (30) days after this notice was mailed to you. If your protest is not filed within the thirty (30) days, it cannot be considered by the Insurance Administration. Instead of mailing or faxing the signed notice you] *You may file your protest [online via the Maryland Insurance Administration's website (www.insurance.maryland.gov)] electronically by uploading a copy at the following link:*

<https://enterprise.insurance.maryland.gov/consumer/ConsumerPortalWelcomePage.aspx>

Your timely filed protest stays the action proposed by this notice. Accordingly, your insurance policy will remain in effect with the same coverages and premium that applied on the [mailing date of the] *date this notice was sent to you* until a determination is made by the Insurance Commissioner. In order to keep your policy in effect, however, you must timely pay any authorized premium due or becoming due before the determination is issued.

The Insurance Commissioner will determine whether your protest has merit. You will then be notified in writing whether the proposed action is disallowed or your protest is dismissed.

If the protest is dismissed, you then have the right, within thirty (30) days after the [mailing] *date on which the Commissioner sends you* [of] the determination, to request a hearing.

If you request a hearing, you will be notified in writing of the time and place of the hearing at least ten (10) days before the hearing. The Insurance Commissioner shall order the insurer to pay reasonable attorney fees incurred by you for representation at the hearing if the Insurance Commissioner finds that: (1) the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with §27-501 of the Insurance Article, the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation or nonrenewal; and (2) the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

I protest the action proposed by the insurer.

My reasons for protesting the action are:

[Signed] *Signature* (Named Insured) – *required if protest submitted by mail or fax:* _____ *Date:* _____

Insured's Daytime Phone Number: _____

Insured's Email Address: _____

.05 Procedure and Requirements Regarding a Reduction in Coverage.

A notice of reduction in coverage sent by an insurer to its insured in accordance with Insurance Article, §§ 27-601.2 and 27-613, Annotated Code of Maryland, shall be *delivered to an electronic mail address at which the insured has consented to receive mail, posted to an electronic network with a separate notice to the insured directed to the electronic mail address at which the insured has consented to receive*

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notice of the posting, or sent by one of the following first-class mail tracking methods: certificate of mail or electronic mail tracking system used by the United States Postal Service. [and shall, in] In addition to the [statutory] information required [in the notice of reduction in coverage] under §27-613, the notice shall include the following on the first page of the notice in 12-point bold type:

IMPORTANT "Right of Protest"

You may protest the action proposed by this notice as provided under Insurance Article, § 27-613, Annotated Code of Maryland by mail, facsimile, or electronically to the Insurance Commissioner. You must file your protest within thirty (30) days after this notice was sent to you in order for your protest to be considered by the Insurance Commissioner. [For your protest to be duly filed] If you send your protest by mail or facsimile you, the named insured, must sign a copy of this notice and send it to:

Insurance Commissioner

Maryland Insurance Administration
200 St. Paul Place
Suite 2700
Baltimore, Maryland 21202
Fax Number 410-468-2307

[within thirty (30) days after this notice was mailed to you. If your protest is not filed within the thirty (30) days, it cannot be considered by the Insurance Administration. Instead of mailing or faxing the signed notice you] You may file your protest [online via the Maryland Insurance Administration's website (www.insurance.maryland.gov)] electronically by uploading a copy at the following link:

<https://enterprise.insurance.maryland.gov/consumer/ConsumerPortalWelcomePage.aspx>

[Signed] Signature (Named Insured) – required if protest submitted by mail or fax: _____ Date: _____

Insured's Daytime Phone Number: _____

Insured's Email Address: _____

.07 MIA Form 1006-A.

Note: The updated form will appear at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.08 MIA Form 1006-B.

Note: The updated form will appear at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

Your timely filed protest stays the action proposed by this notice. Accordingly, your insurance policy will remain in effect with the same coverages and premium that applied on the [mailing date of the] date this notice was sent to you until a determination is made by the Insurance Commissioner. In order to keep your policy in effect, however, you must timely pay any authorized premium due or becoming due before the determination is issued.

The Insurance Commissioner will determine whether your protest has merit. You will then be notified in writing whether the proposed action is disallowed or your protest is dismissed.

If the protest is dismissed, you then have the right, within thirty (30) days after the [mailing] date on which the Commissioner sends you [of] the determination, to request a hearing.

If you request a hearing, you will be notified in writing of the time and place of the hearing at least ten (10) days before the hearing. The Commissioner shall order the insurer to pay reasonable attorney fees incurred by you for representation at the hearing if the Commissioner finds that: (1) the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with § 27-501 of the Insurance Article, the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a reduction in coverage; and (2) the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

I protest the action proposed by the insurer.

My reasons for protesting the action are:

JOY Y. HATCHETTE
Acting Insurance Commissioner