

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 322 (Delegates Hill and Feldmark)
Environment and Transportation

Real Property - Restrictions on Use - Low-Impact Landscaping

This bill prohibits specified restrictions on use from imposing unreasonable limitations on “low-impact landscaping.” Such restrictions on use include covenants, restrictions, or conditions included in, among other instruments, deeds, declarations, or contracts. The bill may not be construed to prohibit a restriction on use from including reasonable design and aesthetic guidelines regarding the type, number, and location of low-impact landscaping features. The bill is not applicable to historic property that is listed in, or eligible for inclusion in, the Maryland Register of Historic Properties.

Fiscal Summary

State Effect: The bill does not directly affect State government operations or finances.

Local Effect: The bill does not directly affect local government operation or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Low-impact landscaping” means landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention, and create habitat for wildlife. Such techniques include bio-habitat gardens designed to attract wildlife and pollinator gardens designed to attract pollinator species.

Restrictions on use may not impose unreasonable limitations on low-impact landscaping, provided that the property owner owns or has the right to exclusive use of the property. Unreasonable limitations on low-impact landscaping include provisions that significantly

increase the cost of low-impact landscaping or significantly decrease the efficiency of the techniques.

Additional Information

Prior Introductions: HB 279 of 2020 passed the House, but no further action was taken.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Maryland Department of the Environment; Department of Housing and Community Development; Department of Natural Resources; Department of Legislative Services

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rh/jkb

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