

## Disability Rights Maryland

SB 1045 - Zoning – Board of Appeals Decisions or Zoning Actions – Judicial Review  
Hearing before the Senate Education, Energy, and the Environment Committee  
March 7, 2024 at 1:00PM  
Position: OPPOSE (Unfavorable)

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Disability Rights Maryland (DRM) is the federally designated Protection & Advocacy agency<sup>1</sup> in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To that end, DRM's Housing and Community Inclusion team works to expand housing opportunities for Marylanders with disabilities and to maintain housing stability to ensure people with disabilities can participate fully in all aspects of community life, and have equal access to opportunities.

SB 1045, if enacted, would expand the right to judicial review of a board of appeals decision or a zoning action to corporations, unincorporated associations or any other organization, which consists of two or more members joined by mutual consent for a common purpose. The right to judicial review would include review of a jurisdiction's comprehensive plan or rezoning action of a legislative body, broadly increasing standing to challenge all types of land use decisions. Unlike administrative decisions that are based on evaluating facts and creating a record for judicial review, legislative enactments are based on policy considerations and are generally either not reviewable by the court or reviewed on a limited basis.

Maryland is experiencing a housing crisis.<sup>2</sup> We have a shortage of 120,000 housing units, with more than 51% of Maryland renters being cost-burdened, spending 30% or more of their wages on housing-related costs.<sup>3</sup> We need to be encouraging housing development, including accessible, affordable housing options, not enacting laws that create more barriers to housing development. There has been increased recognition that zoning ordinances are contributing to the lack of housing and the ensuing housing crisis in this Country, including in Maryland.

This expansion of judicial review will likely result in litigation and delay, and would mean tying up development projects – including those for affordable and market-rate housing – in unnecessary and costly litigation. While SB1045 indicates a carve-out for affordable housing projects from the scope of this legislation, § 1-1308 of the Local Government Article does not include all affordable housing projects. The door would be open for an association or other two-member organization to newly challenge other affordable and market-rate housing projects, while Maryland is in the midst of a historic affordable housing crisis.

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<sup>1</sup> For more information on Protection & Advocacy agencies, see NATIONAL DISABILITY RIGHTS NETWORK, <https://www.ndrn.org/> (last visited June 18, 2021).

<sup>2</sup> See National Low-Income Housing Coalition, <https://nlihc.org/gap/state/md> (last visited Feb. 16, 2024).

<sup>3</sup> See Governor Moore's Renters' Rights and Stabilization Act of 2024

**SB 1045 has the potential to wreak havoc in the zoning and land arena, to increase litigation in an overwhelmed court system, and to exacerbate Maryland' housing crisis.**

**We urge the Committee's report of Unfavorable on SB 1045.**

**For more information, please contact:**

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