

March 6, 2024

The Honorable Brian Feldman
Chairman, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition SB 1045 Zoning – Board of Appeals Decisions or Zoning Actions – Judicial Review

Dear Chairman Feldman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 1045 Zoning – Board of Appeals Decisions or Zoning Actions – Judicial Review**. MBIA **opposes** the Act in its current version.

This bill proposes amendments to zoning-related judicial review processes in Maryland, specifically focusing on charter counties and Baltimore City. It aims to broaden the scope of who can request judicial review in these jurisdictions. While we acknowledge the importance of ensuring appropriate avenues for judicial review, we have concerns that this legislation will be create additional hurdles with regard to land use approvals such as site plans, special exceptions, and variances. We also have concerns with the legislation when it comes to the effect it could have on legislative land use approvals such as comprehensive zoning that is conducted on the local level.

The bill would exacerbate an already complex land use process that the state and localities have in place. The judicial review of such approvals is necessary to ensure compliance with state and local laws, however the right to seek judicial review is limited to those who are nearby such projects and specially impacted. This bill would open the opportunity for activist groups to oppose housing development projects and prevent them from moving forward.

Comprehensive zoning is a necessary process that local jurisdictions undertake in order to address the needs of the county. It is a broader effort focused on the needs of the entire jurisdiction and is on a larger scale than ordinary administrative actions. Boarder judicial review on comprehensive zoning would undermine the local jurisdictions ability to use this necessary power.

The proposed legislation's broad applicability to various types of organizations and associations could significantly alter the landscape of zoning disputes. The standing requirements for legislative actions, as currently set forth in existing case law, have been carefully developed over time and should remain under the purview of the courts for further refinement. Implementing these provisions could jeopardize the integrity of well-reasoned court decisions accumulated over the years.

For these reasons, MBIA respectfully urges the Committee to give this measure **an unfavorable** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy, and the Environment Committee