

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 322

(Delegates Hill and Feldmark)

Environment and Transportation

Judicial Proceedings

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**Real Property - Restrictions on Use - Low-Impact Landscaping**

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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.

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**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.

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**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 as long as the property owner (1) owns or has the right to exclusive use of the property and (2) maintains and regularly tends to the low-impact landscaping. 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, a similar bill, 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

**Fiscal Note History:** First Reader - January 15, 2021  
rh/jkb Third Reader - March 12, 2021  
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