

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

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 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
Revised - Amendment(s) - March 12, 2021

Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510